

ESSAYS ON LAY AND ECCLESIASTICAL COMMUNITIES IN AND AROUND THE MEDIEVAL URBAN PARISH

MARIA AMÉLIA CAMPOS
COORD.



This book gives a definite contribution to a wide-ranging reflection on the medieval parish and the secular clergy, considered within a long-term chronological framework and a wide geographical scope that allows the analysis and confrontation of case studies from the Iberian kingdoms, Northern France, Italian Piedmont, Lombardy, Flanders, Transylvania, and North of the Holy Roman Empire. The chapters published in this book tells of dynamics of social, religious, and cultural exclusion and inclusion within lay communities, of the constitution of family elites and parish confraternities; it shows the composition and the recruitment rationales of the parish clergy and of some ecclesiastical chapters with a duty of *Cura animarum*; it examines the relations of the churches and parochial clergy with more prominent – secular and regular – ecclesiastical institutions in the context of the establishment and exercise of the right of patronage; finally, it explores the role of the secular clergy in the application of justice, based on the characterization of their cultural and juridical formation.



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A PREFACE TO RESEARCH IN MEDIEVAL STUDIES II

Following its first meeting in November 2020, the *Research in Medieval Studies* seminar series kept its aim of being a space for debate and discussion of research topics in the History of the Middle Ages, in a broad sense and chronology, allowing for the observation and comparison of evolution lines and trends in different geographical areas of Europe. The theme chosen for the second meeting was *Urban Parish Communities in Medieval Europe, 1049-1545*, and aimed to reflect on various dimensions of the life of urban populations, connected to each other by relationships of familiarity, sociability, solidarity and labour, as well as by the relationship linking them to the same parish church. The period between the Church Reformation, from the eleventh to the thirteenth century, and the beginnings of the Council of Trent in the mid-sixteenth century provided the motto for gathering research on (and around) the medieval city, the ecclesiastical presence in the urban world, and the more or less organic way in which parish communities were structured, creating bonds of cooperation or conflict, and dynamics of inclusion and exclusion.

Thus, in December 2021, we held our second meeting, this time at the University of Coimbra, with a view to reflecting upon the medieval parish in Western Europe. For this meeting, religious and social history approaches converged, brought together by researchers from different European universities, covering from the Iberian Peninsula to the North of the Roman-German Empire, through French, Flemish, Italian, and Transylvanian territories. These investigations

were discussed in person during the event and then submitted for publication. Every chapter in this book was then subjected to double-blind peer review, resulting in the final selection of the works to be published. The process was time-consuming, but we believe it strengthened this book in that it gave it accuracy and a deeper, more specialized and international criticism.

The book you are about to read results from the effort of many people. Firstly, the authors of the chapters and the epilogue, who patiently entrusted us with their work; then, the experts who make up the Scientific Committee, who were responsible for the peer-review process, carried out *pro bono* and to a tight deadline; and finally, those responsible for the Editorial Committee and the Coordination of the Coimbra University Press, the publishers of this work. As the organizing committee of *Research in Medieval Studies*, we would like to express our deepest gratitude to all those who made it possible to publish this second outcome of RiMS, which will give it greater impact and reach. We would also like to thank our respective research centres – CHSC at the University of Coimbra, IEM at the NOVA University of Lisbon, and CITCEM at the University of Porto – for their support in organizing the event and completing this work.

We believe – and hope – that, in the future, it will be difficult to imagine an international scientific meeting held with mandatory distancing rules, permanent use of sanitary masks, rules and limitations for bars and restaurants. These were just some of the constraints of a meeting held during the COVID-19 health crisis, as was the case. It is fair to say, however, that this did not deter the participants from travelling and joining us, nor did it make scientific discussion which followed any less prolific and fruitful. The medieval parish in Western Christendom was the setting for various questions and issues raised about secular and ecclesiastical populations uniting and organising around an invisible but indelible web around their church.

This book tells us about it. We hope you enjoy it.

Maria Amélia Campos, Tiago Viúla de Faria and Flávio Miranda

**REFLEXIONS ON URBAN PARISH COMMUNITIES
IN MEDIEVAL EUROPE AND ITS RELEVANCE
TO CURRENT HISTORIOGRAPHY**

Maria Amélia Campos¹

Universidade de Coimbra, Centro de História da Sociedade e da Cultura
ORCID 0000-0002-3131-7356

Abstract: Regarding the smallest and closest ecclesiastical jurisdiction to the population, the parish constitutes a privileged unit of study for comprehending social, spiritual, and even behavioural aspects. Within the medieval city, its approach allows us to detect territories with differentiated populations that were also defined by the bond and relationship established with the parish church. This article serves as an introduction to the volume of studies on urban parish communities, spanning a chronology widely established between the eleventh and sixteenth centuries, and a geography that extends from the Iberian Peninsula to Transylvania.

Resumo: Tratando-se da jurisdição eclesiástica mais pequena e mais próxima das populações, a paróquia constitui uma unidade de estudo privilegiada para compreender aspetos sociais, espirituais e

¹ This work was financed by Portuguese funds through FCT – Fundação para a Ciência e a Tecnologia, in the framework of the Research Centre CHSC-UC – Centre for the History of the Society and Culture of the University of Coimbra (UIDB/00311/2020). The author is a researcher at that Research Centre, and has a contract financed by FCT (DL 57/2016/CP1370/CT0068).

até comportamentais. Dentro da cidade medieval, a sua abordagem permite-nos detetar territórios com populações diferenciadas que se definiam também pelo vínculo e relação estabelecida com a igreja paroquial. Este artigo serve de introdução ao volume de estudos sobre comunidades paroquiais urbanas, numa cronologia amplamente estabelecida entre o século XI e o século XVI e numa geografia que se estende da Península Ibérica à Transilvânia.

For decades, European historiography has focused on the study of the city as a setting that allows horizontal solidarities and connections to emerge, group spirit to consolidate, and relational bonds to be established between peers². As such, the study of the organization of urban communities – in contrast to their rural equivalents, where structures are, as a rule, more rigid, vertical, and hierarchical – is already a classic theme, with many published works. These communities have been captured through the study of urban political elites³, the establishment of labour links⁴, and furthermore trade relations⁵. European historiography, however, has also studied the influence that churches and monasteries had in defining the lay communities around them, emphasizing a dialectical relationship between the institutional characteristics of the former and the structuring of the

² Among others, see Susan Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*. 2nd ed. (Oxford: Clarendon press, 1997), 155-218; Jacques le Goff, *Pour l'amour des villes* (Paris: Textuel, 1997) and Chris Wickham, *Sleepwalking into a New World: The Emergence of Italian City Communes in the Twelfth Century* (Princeton: Princeton University Press, 2015).

³ See, among others, *Les élites urbaines au Moyen âge : XXVII^e Congrès de la SHMES (Rome, mai 1996)*. New edition [online] (Paris : Éditions de la Sorbonne, 1997) <http://books.openedition.org/psorbonne/34234>; Filipe Themudo Barata, *Elites e Redes Clientelares na Idade Média* (Lisbon; Évora: Colibri; CIDEHUS, 2001);

⁴ Among others, see Wim Blockmans, “Flemish Textile Workers’ Struggle for Emancipation in the Thirteenth Century”, in *Disciplined Dissent in Western Europe, 1200-1600: Political Action between Submission and Defiance*, ed. Fabrizio Titone (Turnhout, Belgium: Brepols Publishers, 2022).

⁵ Read, among others, Amélia Aguiar Andrade and Flávio Miranda, “Lisbon. Trade, Urban Power and the King’s Visible Hand”, in *The Routledge Handbook of Maritime Trade around Europe 1300-1600*, ed. W. Blockmans, M. Krom and J. Wubs-Mrozewicz (London: Routledge, 2017), pp. 333-351. <https://doi.org/10.4324/9781315278575>.

latter⁶. The study of urban medieval parishes took shape within this framework, and the parishes became the setting for the study of both the ecclesiastical communities that tended them and the institutions of assistance that were housed within them. This is in addition to the multiple developments in which the study of parishes furthered the understanding of the evolution of the urban fabric of the city⁷.

Within the parish, communities have dispensed with conceptual problematizations. Structured from the bond that a population and a territory have to a church, they have been understood and studied as communities crystallized in one of the longest-lived relational models of Western society⁸. In this context, social and religious studies have been organized around the dichotomy between lay and ecclesiastical communities⁹, emphasizing the influence of a paradigm of association and the practices of one in relation to the other. A further, similarly explored line of study is that of the intervention of the laity in the regulation of clerical activity to counterweight any eventual shortcomings and negligent behaviour on the part of the clerics. Finally, there are well developed studies that seek to understand the involvement of the laity in the construction of parochial pastoral care, namely through the foundation of soul-suffrage ceremonies and the management of their maintenance over long periods of time. Recent work by Clive Burgess on the city of Bristol emphasizes how parishioners' zeal for the financial viability of chantries strengthened the religious and pastoral functions of the parish, while cementing

⁶ Among others, see Ludovic Viallet, *Bourgeois, prêtres et Cordeliers à Romans (vers 1280 - vers 1530). Une société en équilibre* (Saint-Étienne, Publications de l'Université de Saint-Étienne, 2001); Hélène Noizet, *La fabrique de la ville : espaces et sociétés à Tours, IXe-XIIIe siècle* (Paris : Publications de la Sorbonne, 2007), Philippe Cailleux, *Trois paroisses de Rouen, XIIIe-XVe siècle: Saint-Lô, Notre-Dame-la-Ronde et Saint-Herbland : étude de topographie et d'urbanisme* (Caen : Pôle Universitaire Normand, 2011).

⁷ See, among others, Nigel Baker and Richard Holt, *Urban Growth and the Medieval Church: Gloucester and Worcester* (London: Routledge, 2004).

⁸ Reynolds, *Kingdoms and Communities in Western Europe, 900-1300*, pp. 79-100.

⁹ See, among others, Anne Massoni and Maria Amélia Campos (eds). *La vie communautaire et le service à la communauté : L'exemple canonial et ses répercussions dans le monde laïc (Europe Occidentale, du XIe au XVe siècle)* (Évora : Publicações do Cidehus, 2020) <http://books.openedition.org/cidehus/11477>.

the sense of community¹⁰. Additionally in this respect, the role played by widows is particularly significant. Recent research outlines the relevance of urban parish communities in the study of social connections and in the transfer of literacy skills and practices¹¹.

Even though the current volume reflects upon a well-grounded field of study, there is room for new approaches and a better understanding of the urban parish communities. With that in view, in February 2021 we invited the submission of unpublished, original research on Communal Organization in the European urban parish, from the Gregorian Reform to the Council of Trent.

Despite the substantial amount of scholarship undertaken on the subject, the history of parishes has remained markedly institutional in approach, mostly due to the scope of sources available and the very logic behind the preservation and organization of documents in the archives. The examination of parish networks has largely been based on records of ecclesiastical taxation, making the papacy a ‘universal’ force to be reckoned with. Such assessments are undoubtedly valid and useful, as are the often-irreplaceable sources on which they are based, but the Research in Medieval Studies meetings series opted to highlight instead research on the communities forming the urban parish, which often predated the establishment of a church in the region and the institutionalization of jurisdiction and circumscription. In view of this, we called for research papers focusing on sociological analyses of the secular and ecclesiastical communities, the rhetoric of each, and the interactions between them – both in terms of cooperation and collaboration as well as conflict and competition – to characterise the parish in its temporal and spiritual dimensions.

As a starting point, we suggested four lines of enquiry, to be seen, not as separate, but rather as intersecting plans, with the common

¹⁰ Clive Burgess, *The Right Ordering of Souls: The Parish of All Saints’ Bristol on the Eve of the Reformation* (Woodbridge, UK ; Rochester, NY: Boydell Press, 2018).

¹¹ See Susan Folkerts (ed.), *Religious Connectivity in Urban Communities (1400-1550): Reading, Worshipping, and Connecting through the Continuum of Sacred and Secular* (Turnhout: Brepols, 2021).

goal of contributing to understanding the parish as an institutional, judicial, and fiscal reality across medieval Christendom, through a better knowledge of the men and women that were part of it. The suggested avenues of research were: 1. Secular and regular ecclesiastical communities in and around the parish; 2. Households and urban lineages: strategies of social affirmation and the preservation of memory; 3. Urban social groups and professions: association, representation, and solidarity; 4. Foreigners, religious minorities, and disreputable occupations: dynamics of integration and exclusion.

The ten chapters published in this book are the result of the discussion of the papers presented during the meeting and the double anonymous peer review by the volume's scientific commission. They almost completely cover the proposed lines of research and give a definite contribution to a wide-ranging reflection on the medieval parish and the secular clergy, considered within a long-term chronological framework and a wide geographical scope that allows the analysis and confrontation of case studies from the Iberian kingdoms, Northern France, Italian Piedmont, Lombardy, Flanders, Transylvania, and North of the Holy Roman Empire.

As a whole, this book tells of dynamics of social, religious, and cultural exclusion and inclusion within lay communities, of the constitution of family elites and parish confraternities; it shows the composition and the recruitment rationales of the parish clergy and of some ecclesiastical chapters with a duty of *Cura animarum*; it examines the relations of the churches and parochial clergy with more prominent – secular and regular – ecclesiastical institutions in the context of the establishment and exercise of the right of patronage; finally, it explores the role of the secular clergy in the application of justice, based on the characterization of their cultural and juridical formation.

If a standard definition of “parish” in the period under analysis were to be proposed, it would be as the smallest unit of ecclesiastical administration, composed of a territory and the population residing therein, held together by a church – with a baptismal font and

cemetery – where the inhabitants received the sacraments and, in return, paid a number of taxes. Although the organization of the parish network happened irregularly and at different paces in different regions, after the Fourth Lateran Council this classical definition seems applicable to the whole of Western Christendom. However, the elements that form the parish – territory, population, church, spiritual service, taxation, etc. – expose it to numerous variables and conditioning factors that make this ecclesiastical unit a complex yet versatile entity, especially in the urban world.

The ecclesiastical communities organized within parish churches show yet another dimension, with the parish as a space of integration and circulation of men of heterogeneous origins and characteristics. Francesco Cisselo and Elena Corniolo reveal how the chapters of cathedrals and parish churches were often a form of provision of benefits for clerics on the move for religious and academic purposes. The University in Vercelli exerted the same form of attraction to these men as the pilgrimage networks in the Piedmont region. Despite this, studies on Vercelli and Aosta show only a small number of foreign clerics, in contrast to the thirteenth and fourteenth centuries Coimbra that Rosário Morujão presents in her article. In this city, ecclesiastical benefices often served instead to maintain university clerics, and, in one of the less populated parishes of the city, part of the seats in the collegiate chapter were used to support student clerics. The parish church here thus served as an effective reception centre – when the clerics came to Coimbra to live –, or an abstract and distant support when benefits were granted to students going to other universities in Europe.

The analysis of the parochial clergy conducted by Adinel Dinca for the region of Transylvania, in the kingdom of Hungary, in the fourteenth, fifteenth, and sixteenth centuries, unveils a significant number of Transylvanian clerics within the *natio Hungarica* attending European universities. A close look at the activity of these individuals discovers their engagement in representing laymen before both lay and ecclesiastical justice, while the study of the libraries in the region

shows a high ratio of law books. Although Adinel Dinca has confirmed the legal education of auxiliary clerics, it could be argued that in Transylvania, as in the remainder of Christendom, the parish clergy was a vast and very diverse social body, in terms of their social background and education. In Transylvania, as in other regions, in addition to the religious service inherent to their status, they provided the lay population across the board with the expertise needed to deal with the lay and ecclesiastical courts at different, more or less complex, moments. In my opinion, it would be very useful to replicate this type of analysis applied to other regions. Although the heterogeneity of the available sources does complicate comparative approaches, the combined analysis of the legal expertise of parish clergy and their activity in representing parishioners and mediating conflicts in different regions of Western Christendom could be very fruitful. I believe this is also central to understanding medieval parish communities.

After these three chapters on ecclesiastical communities, one can find a second approach, focused on external ecclesiastical and lay agents that influenced the organization of the parish, its daily life and its religious service. Among the ecclesiastical elements with significant influence on parochial life, the role of the bishop must be stressed – and likewise that of the episcopal governance. Kyle Lincoln invites us to reflect on the agency of a bishop, and his role as lord of a territory and, as such, the issuing authority of the law that applies to that territory, in a study focused on the kingdoms of Castile and Leon during the twelfth century. This analysis was based on the study of the *fueros* (municipal law-codes) issued by the episcopal chanceries of Belinchón (1171), a Toledan archiepiscopal fief, and of Palencia (1184), which were systematically compared with analogous law codes issued by the archbishop of Compostela and others. The early period considered does not allow great prominence to the parish network in the analysis, but it nonetheless offers a clear understanding of the complex process of composition and writing of laws, and of the several agents involved therein.

The parish network is tacitly present as the backdrop to their implementation, as well as the social framework of their acceptance and contestation.

The analysis carried out by Luís Rêpas and Mário Farelo of the management of the right of patronage held by the royally-founded monastery of Odivelas over the collegiate of São Julião de Santarém offers further important perspectives on external influence on parish life. It is relatively consensual that the existence of a secular chapter permitted the payment of favours through the granting of benefits. I believe it can also be agreed that chapters enabled the integration of men from very humble social backgrounds, after evaluating their skills for pastoral and religious service. In this sense, a secular chapter was an environment that allowed mobility and social ascension by merit and dedication to the community, through the rendering of religious service. However, in all the charts analyzed, the clerics in charge of the *cura animarum* of the populations were at the bottom of the pyramid. Moreover, the *cura animarum* was frequently given to a clergyman without prebends, who was often paid by the canons of the chapter to do the job. I would argue that therein lies one of the difficulties of studying the parish and understanding the bonds that shaped parish communities: sources to study pastoral service in the period before the Council of Trent are scant, and those whose job it was to oversee its provision did not leave much evidence of their activities.

Present and vigilant over the entire parish structure and network, it was generally incumbent upon the bishop to arbitrate and decide on any conflicts. The social and religious practices, the actions and morals of the parish clergy, as well as their true fitness for office, were closely watched by the episcopal jurisdiction. I believe there is still room for further studies, approaches, and analysis of medieval synods, constitutions, and episcopal visitations, towards a better understanding of the relationship between laity and clergy within the parish. Rêpas and Farelo's contribution clearly illustrates the different dimensions of episcopal intervention in the small circumscrip-

tion of a parish church, whose patronage, however, belonged to a monastery.

The reflection on patronage is also an important element in the essay signed by Aires Fernandes. It explores the role of Santa Maria da Oliveira, in Guimarães – the largest collegiate church in medieval Portugal – as patron of the church known both as of São Miguel and of Santa Margarida do Castelo, in the fourteenth and fifteenth centuries. It constitutes a very important case study to explore the influence of a powerful ecclesiastical institution on the organization of a parochial church. Through a rigorous examination of the right of presentation held by the collegiate church, the author compiled a comprehensive list of the presented priests and was able to ascertain that this collegiate church also exercised the right of confirmation, despite the usual episcopal monopoly of this prerogative. Given the relevance of the city of Guimarães to understand the administration of ecclesiastical rights within the archdiocese of Braga, this text provides useful information to further the study of the history of this religious circumscription and of the organization and supervision of its clergymen.

Given their small scale, parishes were often used by lay power structures to exercise their authority. They are also a privileged setting for researching social dynamics of inclusion and exclusion towards the Other by social groups, local governments, and welfare associations and others. An example of this is the effort made by Lombard merchant communities, over the centuries, to be accepted in the regions in which they settled, during the late Middle Ages and Early Modern period. Ezio Claudio Pia has traced the dichotomous and hypocritical way Lombards were viewed in the parishes where they lived: even as they were used as financial agents by the different structures of the Church, they still bore the burden of the sin of usury. Resorting to this activity was clearly a means of investing in their social integration, sanctioned by parish priests and bishops.

The history of the Jewish communities in the territory of the kings of France can be understood as a historiographical paradigm of the

volatility of the justifications for inclusion and exclusion, decided by lay authorities and ecclesiastically legitimated. Through a critical reading of the extensive historiography on the subject, Manon Banoun clarified how the dichotomy between the religious and cultural segregation of Jews and the need for their proximity to finance the court of the Capetian king conditioned the topography of cities like Paris. At the same time, it became evident how this tense relationship – from a political, religious, and cultural point of view – eventually led to the progressive disappearance, first, of its identifying elements, and finally, of the Jewish Ghetto itself.

In the following chapter, Cordelia Hess offers an important geographical counterpoint with a broad perspective of the relations between Jews and Christians in Northern Europe, through the analysis of two cities: Fulda and Wittenberg. In this case, the main focus of the study is not the location of the Jewish Quarter within each city but the relational dynamics between the two religious groups. Conditioned by the scarcity of sources available to study the integration of Jews in the Holy Roman Empire, this chapter primarily exposes situations of conflict and violence in the daily life of both communities. These were probably exceptions in an otherwise likely peaceful coexistence, for which evidence has not yet been found. Covering a broad chronology, this essay offers an insightful vision of the political and social fabric and the cultural interplay of Jewish and Christian communities in northern Europe during the Crusades and Late Middle Ages.

The parish was a sphere where, through surveillance and the control of spiritual life, the population was scrutinized for their geographical and cultural origin, their moral behaviour, and their customs, regarding which social and religious mechanisms of exclusion could be triggered. However, it was above all a space of inclusion, of reinforcement of solidarity, and community bonding through spiritual ties and cooperation. As much is shown by Ana Rita Rocha, who analyzes the relations between laymen and clerics in the organization of brotherhoods in the context of the city of Coimbra. These lay and clerical organizations had their headquarters in parish churches,

where they kept their patrimony and, from there, they articulated themselves in the spiritual support of their brothers, especially at the time of death. In Portugal, unfortunately, medieval confraternities left very few traces. Nevertheless, understanding their dynamics of association, functioning, and commemoration of their members in life and death, is key for the characterization of parish communities and the relationship and interconnection between laity and clergy in the long term.

Due to the large geographical framework, it covers, and the plurality of topics upon which it invites readers to reflect, this book is an important contribution for research on medieval urban society, medieval churches, and urban parishes. The parish is here seen as a place where both lay and ecclesiastical communities can be analyzed as protagonists of lay and ecclesiastical service and interests. The parish is also viewed as a sphere of inclusion and exclusion, where conflictual interactions can be identified and described, but also where associative and welfare institutions were founded and built. Finally, urban medieval parishes also provide the basis for the study of the circulation of clergymen and the structuration of a whole network encompassing all of Western Christendom.

To conclude this brief introduction, I must acknowledge that some objectives of this volume on urban parish communities were not fully met. Within these, the examination of the relations between lay and ecclesiastical communities is an example. Other than the elements extracted in the studies on the social origin and recruitment of parish clergy and the studies of local elites and confraternities, the focus was mostly directed either towards lay communities or to clerical communities, rather than their interconnection. It is a given fact that the available sources do not easily facilitate this analysis, but there is scope in a further project to examine and highlight these related dynamics that resulted from the pastoral and spiritual service inherent in the parish. Furthermore, a future analysis could elaborate and elucidate a passing topic in these texts: death and death commemoration strategies within the parish. Whilst this is a classic theme, a revisitation

by contemporary historiography, applying new methodologies in further study, will allow us to reach new conclusions about the urban medieval parish¹².

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¹² Since March 2022, I am heading an exploratory research project titled *COMMÉMORTIS – What survives after death? Parish communities and death commemoration strategies in the medieval city* [FCT, EXPL/HAR-HIS/0532/2021], which aims to reopen the discussion on the History of death in the Middle Ages and reach new conclusions through the use of new approaches grounded on Digital Humanities research tools. (<https://commemortis.wixsite.com/my-site>).

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**CITY CHAPTERS WITH *CURA ANIMARUM*.
TERRITORIAL RECRUITMENT AND SOCIAL
COMPOSITION OF THE CLERGY
IN NORTH-WESTERN ITALY
(TWELFTH-FIFTEENTH CENTURIES)¹**

Francesco Cissello
Università di Torino

Elena Corniolo
Università di Torino
ORCID 0000-0002-7352-8821

Abstract: Our paper aims to analyse the recruitment processes and the social composition of some city chapters with *cura animarum* functions in North-Western Italy in the late Middle Ages. Case studies will be the cathedral chapter of Vercelli and the two chapters of Aosta (the regular chapter of Sant’Orso and the cathedral chapter). These topics will be discussed through the analysis of an heterogeneous set of documents, mostly unpublished, preserved in the respective capitular archives. Vercelli and Aosta were both similar and different towns, making a comparative study of particular interest. The two urban centres developed differences in the institutions of city self-government. On the other hand, the importance of the diocesan Church, not only ecclesiastical but also political, was similar. Another

¹ Francesco Cissello is the author of §1; Elena Corniolo is the author of §2.

fundamental common element was the location within the area of the *Via Francigena*, which connected the territories in the North and South of the Alps, leading to a conspicuous mobility of goods and people. Through the analysis of some representative cases, we will highlight the existence of differences in clergy recruitment depending on the territorial context, but also on the functions carried out by the various attested ecclesiastical communities.

Resumo: Este trabalho tem como objetivo analisar os processos de recrutamento e a composição social de alguns cabidos urbanos, com funções de *cura animarum*, no Noroeste de Itália, no final da Idade Média. Os casos de estudo serão o cabido da catedral de Vercelli e os dois cabidos de Aosta (o cabido regular de Sant’Orso e o cabido da catedral). Estes temas serão abordados através da análise de um conjunto heterogéneo de documentos, na sua maioria inéditos, conservados nos respetivos arquivos capitulares. Vercelli e Aosta eram cidades com semelhanças e diferenças, o que torna o estudo comparativo de particular interesse. Os dois centros urbanos desenvolveram diferenças nas instituições de governo autónomo da cidade. Por outro lado, a importância da Igreja diocesana, não só eclesiástica, mas também política, era semelhante. Outro elemento comum fundamental é a sua localização na zona da “Via Francigena”, que ligava os territórios a Norte e a Sul dos Alpes, permitindo uma notória mobilidade de bens e pessoas. Através da análise de alguns casos representativos, evidenciaremos a existência de diferenças no recrutamento do clero em função do contexto territorial, mas também das funções desempenhadas pelas várias comunidades eclesiásticas atestadas.

This paper aims to analyse the recruitment processes and the social composition of some city chapters with *cura animarum* functions in North-Western Italy in the late Middle Ages. Case studies are the cathedral chapter of Vercelli and the two chapters of Aosta (the regular chapter of Sant’Orso and that of the cathedral). These topics were

studied through the analysis of an heterogeneous set of documents, mostly unpublished, preserved in the respective capitular archives and through a comparison with the historiography.

The towns of Vercelli and Aosta shared similarities and differences, making a comparative study particularly relevant. Although the two urban centres developed differences in the institutions of city self-government, the ecclesiastical and political importance of the diocesan Church was similar. Another fundamental common element was their location within the area of the *Via Francigena*, which connected the territories in the North and South of the Alps, leading to a conspicuous mobility of goods and people. The exchanges between these cities were frequent and involved also ecclesiastical people².

These chapters, aside from controlling churches with parish functions (the cathedral itself, in Vercelli; other parishes, in Aosta), enjoyed the right to elect the bishop and governed the diocese together with him. These features allow the theme of *cura animarum* to be analysed from an unusual but interesting perspective³. Particular attention was given to the presence of clerics of foreign origin in both cathedrals and in the priory of Sant'Orso. These data will be related to well-known phenomena in historiography: on the one hand, the attractiveness of these ecclesiastical institutions in the

² For a reflection about the openness of the Alps in the Middle Ages and the consequent mobility, see Giuseppe Sergi, *Antidoti all'abuso della storia. Medioevo, medievisti, smentite* (Napoli: Liguori, 2010), 161-236 and, more recently, Stefano De Bosio, *Frontiere. Arte, luogo, identità ad Aosta e nelle Alpi occidentali. 1490-1540* (Roma: Officina Libraria, 2021).

³ Even in the context of a revival of studies on Italian cathedral chapters in recent decades, the subject of *cura animarum* carried out by canons remains scarcely frequented by historiography: see Emanuele Curzel, "Le quinte e il palcoscenico. Appunti storiografici sui capitoli delle cattedrali italiane", in *Canonici delle cattedrali nel medioevo* (Verona: Cierre, 2003). The main reference on the topic remains the study of Cosimo Damiano Fonseca, "Canoniche regolari, capitoli cattedrali e «cura animarum»", in *Pievi e parrocchie in Italia nel basso Medioevo, sec. 13.-15. Atti del 6. Convegno di storia della Chiesa in Italia* (Roma: Herder editrice e libreria, 1984). See also, for more specific references to Vercelli and Aosta, below, notes 12-13, 32-36.

medium-long range and, on the other hand, the grounding of the clergy in the local social context⁴.

Considering the different research methods experienced for the two case studies, we decided to organize the text in two sections identified by geography: the first paragraph will be dedicated to Vercelli, the second one to Aosta. The research topics, therefore, will be the common thread inside the two parts of the article. In the last paragraph, instead, we adopt a thematic perspective.

Both case studies show that social and geographical recruitment depended above all on the function performed by the local clergy. The analysis of some representative cases in the diocese of Vercelli allows us to highlight the existence of a minor clergy in the cathedral, dependent on the chapter, but more involved in the *cura animarum* than the canons. These priests were generally from humble families and less involved in geographic mobility than members of the cathedral chapter. Reconstructing the sequences between the thirteenth and fifteenth centuries of the most important offices associated with the two chapters and the three city parishes of Aosta, we find that clergy with *cura animarum*, even when the priests were canons,

⁴ The relationship between social prominence in the diocese and a career as a canon is a traditional topic in historiography: see Marino Berengo, *L'Europa delle città. Il volto della società urbana europea tra Medioevo ed età moderna* (Torino: Einaudi, 1999), 702; Roberto Bizzocchi, *Chiesa e potere nella Toscana del Quattrocento* (Bologna: Il Mulino, 1987), 17, 21-26; Andrea Tilatti, "Capitoli e canonici. Esempi e riflessioni", in *La mobilità sociale nel Medioevo italiano, 3. Il mondo ecclesiastico (secoli XII-XV)*, eds. Sandro Carocci and Amedeo De Vincentiis (Roma: Viella, 2017), 243-263. The mobility of the cathedral clergy, already significant in the municipal age, increased significantly from the 14th century onwards: see, for some interesting case studies in Italy and France, Mauro Ronzani, "Vescovi, capitoli e strategie famigliari nell'Italia comunale", in *Storia d'Italia. Annali, 9: La Chiesa e il potere politico dal Medioevo all'età contemporanea*, eds. Giorgio Chittolini and Giovanni Miccoli (Torino: Einaudi, 1986); Pascal Montaubin, «Étrangers en Chrétienté: clercs italiens en France et en Angleterre (fin XII^e-mi XIV^e siècle)», in *L'étranger au Moyen Âge. XXX^e Congrès de la Société des historiens médiévistes de l'enseignement supérieur public* (Paris: Publications de la Sorbonne, 2000). Such dynamics have been observed, with obvious difference due to the local context, in recent studies devoted to a single chapter, over a wide chronological span: see, for instance, Paolo Rosso, *Negli stalli del coro. I canonici del capitolo cattedrale di Torino (secoli XI-XV)* (Bologna: Il Mulino, 2014); Emanuele Curzel, *I canonici e il capitolo della cattedrale di Trento dal XII al XV secolo* (Bologna: Edizioni Dehoniane Bologna, 2001).

was closely tied to the local context. When the two city chapters opened to the power dynamics that involved the Savoy Church between the fourteenth and fifteenth centuries, the *cura animarum* continued to be done mainly by local people, generally of humble social origins. Therefore, both dioceses experienced at least two distinct levels of action: the high level involving the bishops, the city chapters and the most important ecclesiastical and religious local institutions and the low level represented by the clergy with *cura animarum*. The people who held the different offices shared the places where they performed their function and interacted with each other, but they usually came from different social and geographical backgrounds⁵.

1. Minor clergy in Vercelli cathedral (twelfth-thirteenth centuries)

In the twelfth and thirteenth centuries Vercelli, situated halfway between Turin and Milan, was one of the biggest and most important centres in the current Piedmont region, in North-Western Italy⁶. In these centuries the city, like the other *comuni*, had its own self-government, and its history is characterized by strong demographic development and territorial expansion in central-eastern Piedmont⁷.

⁵ Both Vercelli and, above all, Aosta seem to have been partial exceptions in a panorama of Northern Italy in which the geographical mobility of the lower-middle clergy with *cura animarum* increased strongly from the 14th century onwards (see below, note 21).

⁶ See below, Map 1: an image of the medieval diocese of Vercelli from *Rationes decimarum Italiae nei secoli 13. e 14. Lombardia et Pedemontium*, ed. Maurizio Rosada (Città del Vaticano: Biblioteca Apostolica Vaticana, 1990).

⁷ A dated but still important synthesis of the city's history is that of Vittorio Mandelli, *Il Comune di Vercelli nel Medioevo. Studi Storici*, I-IV (Vercelli: Tipografia Guglielmoni, 1857-1861). For more recent historiography, see: *Vercelli nel secolo XII. Atti del quarto Congresso storico vercellese* (Vercelli: Saviolo, 2005); *Vercelli nel secolo XIII. Atti del primo Congresso storico vercellese* (Vercelli: S.E.T.E., 1984); Laura Baietto, "Vescovi e comuni: l'influenza della politica pontificia nella prima metà del secolo XIII a Ivrea e Vercelli", *Bollettino storico-bibliografico subalpino* 100 (2002): 507-546; Simonetta Pozzati, "I Tizzoni e la parte ghibellina a Vercelli nella seconda metà del Duecento", *Bollettino storico-bibliografico subalpino* 118 (2020); Riccardo Rao, "Comune e signoria a Vercelli (1285-1335)", in *Vercelli nel secolo XIV. Atti del quinto Congresso storico vercellese*, eds. Alessandro Barbero and Rinaldo Comba (Vercelli: Saviolo, 2010).

The importance of the city also derived from the relevance of the diocesan Church, which had its centre in the cathedral of Sant'Eusebio. The Church of Vercelli enjoyed a privileged relationship with the Papal See and had fairly close relations with other dioceses in Northern Italy and also with territories north of the Alps. Indeed, from the middle of the twelfth century until the end of the thirteenth, important bishops from Lombardy, Emilia and Valle d'Aosta were active in Vercelli. Many canons and religious from the same territories arrived in the city at the same time, while the presence at the papal court of a number of cardinals from the diocese gave the Vercelli clerics the opportunity to obtain benefices in French, English and Belgian cathedrals⁸.

The attractiveness of the Church of Vercelli was also due to the fact that both the cathedral chapter and the religious orders were centres of high-level teaching and cultural elaboration⁹.

At the same time, the diocesan Church was strongly integrated into the city environment. We can consider two aspects in particular: on the one hand, the important political role that bishops maintained in the city and diocese throughout the thirteenth century¹⁰; on the other, the strong presence of the urban elite in the cathedral clergy¹¹.

⁸ See: Maria Pia Alberzoni, "Vercelli e il Papato", in *Vercelli nel secolo XII*; Laura Minghetti Rondoni, "La chiesa eusebiana tra papato e impero nel secolo XII", in *Vercelli nel secolo XII*; Francesco Panero, *Una signoria vescovile nel cuore dell'Impero: funzioni pubbliche, diritti signorili e proprietà della Chiesa di Vercelli dall'età tardocarolingia all'età sveva* (Vercelli: Società Storica Vercellese, 2004). See also below, note 19.

⁹ See: Grado Giovanni Merlo, "I canonici dei capitoli cattedrali", in *Vercelli nel secolo XII*; Paolo Rosso, *Studio e poteri. Università, istituzioni e cultura a Vercelli fra XIII e XIV secolo* (Torino: Zamorani, 2010); Paolo Rosso, "«Constitutur magister idoneus a prelato». La ricezione in area subalpina delle disposizioni dei concili lateranensi III e IV sull'istruzione del clero", *Reti medievali Rivista* 17/1 (2016): 533-536.

¹⁰ See: Panero, *Una signoria vescovile*; Baietto, "Vescovi e comuni", 507-546; Flavia Negro, "«Et sic foret una magna confusio». *Le ville a giurisdizione mista nel Vercellese dal XIII al XV secolo*", in *Vercelli fra Tre e Quattrocento. Atti del sesto Congresso storico vercellese*, ed. Alessandro Barbero (Vercelli: Società Storica Vercellese, 2014), 401-412.

¹¹ The strong presence of the urban elite in the cathedral chapter is a feature that partly distinguishes that of Vercelli from the other two major chapters in Piedmont, Novara and Asti, where the influence of the local aristocracy was stronger: see, in general, Rosso, "«Constitutur magister idoneus a prelato»", 523-524; Hagen Keller, "Origine sociale e formazione del clero cattedrale nei secoli XI e XII nella Germania

The cathedral of Sant'Eusebio was the meeting point between the two main characteristics of the Vercelli diocesan Church: the wide-ranging relations and its roots in the city. In fact, the cathedral had several functions: it was the seat of the episcopate and the chapter of canons, but also a church with parish functions for a portion of the city's population, and for the people of some villages of the diocese where it administered local churches¹². This plurality of functions mirrored articulated composition of the cathedral clergy, that in Vercelli, as in other Italian cathedrals, consisted of several communities of clergymen.

Firstly, there was, as we have just said, a chapter of canons whose functions are fairly clearly delineated, thanks to the abundance of sources and the comparison with other dioceses of Northern Italy. What founded the superiority of the canons over the rest of the diocesan clergy was undoubtedly their proximity and assistance to the bishop in governing the diocese; on the other hand, there is little evidence of canonical involvement in the administration of the sacraments¹³.

This is one of the reasons to think that the *cura animarum* was largely delegated to other types of clergymen present at the cathedral, referred to as *decumani*, *cappellani* or (sometimes) *conversi* of the cathedral. These clerics were excluded from the 'political' tasks of the chapter, but there are some indications that they were more

e nell'Italia settentrionale", in *Le istituzioni ecclesiastiche della «societas Christiana» dei secoli XI-XII. Diocesi, pievi e parrocchie. Atti della sesta settimana internazionale di studio* (Milano: Vita e Pensiero, 1977). See also bibliography cited below, notes 16, 18.

¹² The *cura animarum* over the rest of the city's population fell entirely, at least until the 12th century, to the ancient cathedral of Santa Maria, where a minor chapter of canons had its seat. Here, however, I will only deal with the clergy of Sant'Eusebio. About the parish functions of the two churches, see Giuseppe Ferraris, *Le chiese "stazionali" delle rogazioni minori a Vercelli dal secolo X al secolo XIV* (Vercelli: Chiais, 1995), 7-9, 113-115, note 24.

¹³ For the rights of canons in the government of the diocese see, for example, Curzel, *I canonici*, 361-439. The studies on the Vercelli chapter mostly take a prosopographical approach, but the functions of the canons are clear from the sources: for example, they exercised the right of electing bishops in the second half of the 12th century: Giuseppe Colombo, ed., "I Necrologi Eusebiani", *Bollettino storico-bibliografico subalpino* 6 (1901): 6, doc. 694 (see also below, notes 16, 18).

involved in *cura animarum* than canons. In fact, unlike the canons, the majority of these clerics were priests (not deacons, subdeacons, or acolytes). So they could administrate sacraments: this is the reason why, in canons' wills, *decumani* or *cappellani* are often charged of celebrating masses *pro anima*¹⁴. It is also important the comparison with other dioceses of Northern Italy (the best-known case being Milan) where there was also a group of cathedral clerics, not canons, whose task was the administration of the sacraments¹⁵. It is interesting to investigate whether the different role of the group of canons, on the one hand, and of the minor clergy of the cathedral, on the other, corresponds to very different social and territorial origins: this is precisely our objective.

Unfortunately, historiography has given insufficient attention to the composition of the cathedral clergy in the twelfth-thirteenth centuries (probably also because of a documentation abundant but mostly unpublished). A few biographies of canons with a high cultural background have been studied, but without a general focus on the social and territorial composition of the chapter¹⁶. Even less attention

¹⁴ For an example of a chaplain in charge of celebrating masses *pro anima* every week, see the will of canon *Salienbeni de Torcello* (Vercelli, Archivio Capitolare [ACVc], Atti Privati, cartella V, May 6, 1241).

¹⁵ See, in general, Fonseca, "Canoniche regolari, capitoli cattedrali e «cura animarum»". The best-known case of division of the cathedral clergy between canons and *decumani* is, of course, that of Milan. Here, however, the *decumani* also officiated at all the other city churches, while in Vercelli they seem to have been incardinated only in the cathedral or the other capitular church of Santa Maria (see, for Milan, Enrico Cattaneo, "Istituzioni ecclesiastiche milanesi", in *Storia di Milano*, IV: *Dalle lotte contro il Barbarossa al primo signore (1152-1310)* (Milano: Fondazione Treccani degli Alfieri per la storia di Milano, 1954), 689-703; for Vercelli, see below, notes 17, 18).

¹⁶ Recent studies on the clergy of Vercelli cathedral have focused almost exclusively on the 14th century; see: Gianmario Ferraris, "I canonici della chiesa di S. Eusebio di Vercelli (sec. XIV-1435). Spunti di riflessione e schede biografiche", in Barbero, *Vercelli fra Tre e Quattrocento*. For the earlier period, only a few biographies of clerics with a high cultural profile have been examined: see bibliography cited above, note 9. Mandelli also compiled a list of the canons who held the most important roles in the chapter: Mandelli, *Il comune di Vercelli*, III, 106-112.

has been paid to the cathedral's minor clergy, both with respect to the biographies of individual clerics and their roles¹⁷.

For these reasons, I will not be able to provide, here, exhaustive answers, but only some general indications, deriving from the research I have been carrying out during and after my doctoral thesis on the mobility of clerics and religious in the communal Vercelli¹⁸.

Then, two cases of particular interest will show the differences that could exist between the biographies of canons and of other clerics of the cathedral.

1.1. Canons and cathedral's minor clergy: a different territorial recruitment

Generally speaking, there were fewer clerics from other dioceses in the cathedral's minor clergy than in the chapter of canons.

Indeed, the wide-ranging mobility of clergy usually depended on proximity to a bishop or a member of the papal court, or was linked to attendance of a university or cathedral school. These opportunities concerned above all the canons of the cathedrals, who were in fact the part of the secular clergy most involved in wide-ranging mobility in the twelfth and thirteenth centuries (not only in Vercelli, but

¹⁷ Only Mandelli provided an incomplete list of the *decumani* of Vercelli and noted that their role was «rivolto a coadiuvare i Canonici *ordinarii* nel coro»: Mandelli, *Il comune di Vercelli*, III, 112-118. See, for some documents concerning the *decumani* of Sant'Eusebio: Domenico Arnoldi, Giulio Cesare Faccio, Ferdinando Gabotto and Giuseppe Rocchi, eds., *Le Carte dello Archivio capitolare di Vercelli*, I (Pinerolo-Vercelli: Unione tipografica vercellese, 1912), 61-65, doc. 52-54; Domenico Arnoldi and Ferdinando Gabotto, eds., *Le Carte dello Archivio capitolare di Vercelli*, II (Pinerolo: Tipografia Giuseppe Brignolo, 1914), 63-64, doc. 367; 67-68, doc. 371; Domenico Arnoldi, ed., *Le Carte dell'Archivio Arcivescovile di Vercelli* (Pinerolo: Tip. successori Brignolo, 1917), 307-308, doc. 68.

¹⁸ Francesco Cissello, *La mobilità ecclesiastica nella storia di una città. Territorio, confini e relazioni di Vercelli comunale (XII-XIII secolo)*, Doctoral Thesis (Torino: 2018. Unpublished). The data examined in my Doctoral Thesis, and presented in this paper, are mostly taken from the main published collections of Vercelli's capitular and episcopal documentation, and from unpublished documentation of 13th century in ACVc (see below, Bibliography).

throughout Western Europe). Although most of the canons were of diocesan origin, several clerics from neighbouring dioceses in Northern Italy, but also canons linked to the Popes, joined the cathedral chapter of Sant'Eusebio¹⁹.

The large majority of *decumani*, *cappellani* and *conversi* of the twelfth-thirteenth centuries were, instead, probably from the city or the diocese. It is not possible to be more precise, because in many cases these clerics are attested only by their proper names: however, this is also significant because foreigners are normally mentioned with an indication of their place of origin²⁰. However, these data are in line with the situation of other dioceses in Northern Italy, where the mobility of lower-middle clergy with *cura animarum* generally became significant in a later period than the one investigated for Vercelli²¹.

Anyway, there were also clerics of the cathedral from territories outside the diocese of Vercelli. I will examine the most relevant cases: those of *Iohannes Augustanus* and *Nicolaus Anglicus*. One of the most interesting aspects of their career is that they were present in Vercelli at a time when no canon of the same origin is attested. In order to explain their arrival in the city, in fact, we have to consider

¹⁹ For example, under the episcopate of Aimon de Challant, clerics from Aosta valley obtained important roles in the Church of Vercelli (see below, note 23). For some general considerations on the role of popes and bishops in the canonical mobility in Northern Italy see also: Stefano G. Magni, "Il nepotismo episcopale nell'Italia dei comuni (fine XIII-XIV secolo)", in *La mobilità sociale nel Medioevo italiano*, 3. *Il mondo ecclesiastico (secoli XII-XV)*, eds. Stefano Carocci and Amedeo De Vincentiis (Roma: Viella, 2017); Ronzani, "Vescovi, capitoli", 120-146. See also above, note 8.

²⁰ Minor clergy was, moreover, often of humble social origin (except in rare cases, no members of the urban elite are attested: see Cissello, *La mobilità ecclesiastica*; see also above, note 17). A similar social background was also found, for example, for the clergy in *cura animarum* in Padova in the 13th century: Antonio Rigon, *Clero e città. «Fratalea cappellanorum». Parroci, cura d'anime in Padova dal XII al XV secolo* (Padova: Istituto per la storia ecclesiastica padovana, 1988), 95.

²¹ See, for instance, the book *Preti nel Medioevo* («Quaderni di storia religiosa», 4) (Verona: Cierre, 1997): in particular the study of Silvana Anna Bianchi, "Chierici, ma non sempre preti. Itinerari chiericali nel Veneto tra la fine del XIII e gli inizi del XV secolo"; see also Flavia De Vitt, *Istituzioni ecclesiastiche e vita quotidiana nel Friuli medievale* (Venezia: Deputazione Editrice, 1990), 183-196; Rigon, *Clero e città*, 93-100.

different explanations from those usually used for members of the cathedral chapter.

1.2. *Iohannes Augustanus*: connections with Aosta valley (twelfth century)

Just after the middle of the twelfth century, a cleric called *Iohannes Augustanus* was part of the Vercelli cathedral clergy, not as a canon but as a *conversus*²². His status as a *presbiter* and his role in a church dependent on the cathedral, probably located in a village near the city, lead us to believe that he was involved in the *cura animarum*.

Iohannes, as his surname certify, was the first (or at least, the first known) cleric from Aosta valley to join the cathedral clergy of Vercelli. Although the diocese of Aosta was quite close to Vercelli, there were no other clerics of the same origin in the cathedral until the end of the thirteenth century. At that time, three canons from Aosta valley joined the cathedral chapter. At least two of them were of aristocratic origin, and all three were linked to Bishop Aimon de Challant, also from Aosta, who promoted their entry into the chapter²³.

The reasons for the arrival of *Iohannes* in Vercelli were different. He was not connected to the current bishop, nor was he an aristocrat,

²² See, for the cleric's attestations: Giuseppe Colombo, ed., "I Necrologi Eusebiani", in *Bollettino storico-bibliografico subalpino* 4 (1899): 355, doc. 594; Romualdo Pastè, ed., "I Necrologi Eusebiani", in *Bollettino storico-bibliografico subalpino* 25 (1923): 334-335, doc. 820; Arnoldi and Gabotto, *Le Carte*, II, 363-365, doc. 599. *Iohannes* officiated a church dedicated to San Cristoforo, probably located at Busonengo, a village north of the city (see Ferraris, *Le chiese stazionali*, 19). Another *conversus* of the cathedral of foreign origin (*Cona Alamannus*) is attested in the middle of the 12th century, but he was not a priest, and the reasons of his mobility were probably very different from that of *Iohannes* (see Cissello, *La mobilità ecclesiastica*, 390).

²³ See: Antonio Olivieri, "'Notai del vescovo' e 'notai per il vescovo'. Il caso del vescovo di Vercelli Aimone di Challant (1273-1303) nel quadro dell'evoluzione delle cancellerie vescovili tardo duecentesche nell'Italia settentrionale", in *In uno Volumine. Studi in onore di Cesare Scalton*, ed. Laura Pani (Udine: Forum, 2009), 492, 500 (for *Willelmus de Stipulis*); Ferraris, "I canonici", 172-173 (for *Willelmus de Challant*), 187-188 (for *magister Nicolaus*); Cissello, *La mobilità ecclesiastica*, 261-272.

since his social origin seems to be rather humble²⁴. Likely, he arrived in Vercelli because of the need to exercise his profession of priest.

Why did *Iobannes* choose to come to Vercelli and not to another diocese? We can assume two main reasons.

Firstly, there were many connections between the two cities, which facilitated the movement of people from one to the other. In particular, both Vercelli and Aosta were located in the area of the *Via Francigena*, which connected the territories in the North and south of the Alps. In addition to *Iobannes*, other people from Aosta valley were in fact present in Vercelli: in particular, the presence in the city of a *domus* dependent on the canons of the Great Saint Bernard must be remembered²⁵. It is also possible, therefore, that *Iobannes* knew other *Augustani* living in Vercelli, who may have facilitated his mobility.

Secondly, Vercelli in the second half of the twelfth century was in an expanding period, in terms of both size and population, with a probable growing need for ecclesiastical labour (a phenomenon that also seems to have affected the part of the *contado* closest to the city, as the case of *Iobannes* shows). Foreign priests were not required in the cathedral chapter, but in the ranks of the clergy involved in the *cura animarum*: those very *anime* who were increasing.

Vercelli was therefore one of the most natural destinations for a cleric from Aosta valley who wanted, or had to, exercise his profession outside his own diocese: it is, indeed, a type of mobility, from mountain areas to the city, well documented in the North-Western Alps²⁶.

²⁴ There are some indications in this sense, such as the absence of a more precise indication of his territorial or parental origins. A similar origin probably characterized the majority of the members of the cathedral's minor clergy (see above, note 20).

²⁵ See, in general, Renato Stopani, *La via Francigena. Storia di una strada medievale* (Firenze: Le Lettere, 1998); (for the presence of the canons of Great Saint Bernard) Mandelli, *Il comune di Vercelli*, III, 130-131.

²⁶ See, in general, Rinaldo Comba, "Emigrare nel Medioevo. Aspetti economico-sociali della mobilità geografica nei secoli XI-XVI", in *Strutture familiari, epidemie, migrazioni nell'Italia medievale*, eds. Rinaldo Comba, Gabriela Piccinni and Giuliano Pinto (Napoli: Edizioni Scientifiche Italiane, 1984), 59-65.

1.3. *Nicolaus Anglicus*: people from Great Britain (thirteenth century)

Some of the most important aspects of the mobility of *Iohannes Augustanus* can also be found in the biography of a cleric who is attested a few decades later: *Nicolaus Anglicus*.

Nicolaus is attested for the first time in the documentation of Vercelli cathedral in 1200, with the title of servant of the archdeacon. After a few years, however, he managed to join the chapter of the *decumani*: a group of clerics who, as we have said, were probably involved in liturgical service²⁷.

Nicolaus was therefore the protagonist of a double mobility. Firstly, a social mobility, within the cathedral, which he had entered with very humble functions. Secondly, a geographical mobility, from Great Britain to Vercelli, as his surname testifies.

The two aspects are actually connected. Although *Nicolaus* was the only British cleric in the cathedral of Sant'Eusebio, we know that some British people reached Vercelli in the twelfth and thirteenth centuries, travelling along the *Via Francigena*. There were in fact two hospitals in the city specifically dedicated to welcoming *Anglici* or *Scoti* pilgrims²⁸.

It is likely that *Nicolaus* also arrived in Vercelli as a layman, without any particular professional qualifications. His mention as a *serviens*, in fact, suggests that he was not yet a cleric in 1200 and that he had humble social origins; but in the following years – as we have just seen – he joined the cathedral clergy as *decumanus*, achieving a quite important social and professional advancement.

²⁷ See, for the cleric's attestations: Arnoldi and Gabotto, *Le Carte*, II, 418, doc. 647; ACVc, Atti privati, cartella 11 (March 27, 1201); cartella 13, (January 20, 1208); cartella 14 (September 2, 1210); cartella 18 (July 10, 1219); cartella 19 (October 2, 1220). See also Cissello, *La mobilità ecclesiastica*, 390-392.

²⁸ See: Mandelli, *Il comune di Vercelli*, II, 402-411 (about the hospital of Santa Maria); Miriam Clelia Ferrari, *L'ospedale di S. Brigida o degli Scoti nella storia di Vercelli medievale (secoli XII-XIV)* (Vercelli: Saviolo, 2001).

As in the case of Iohannes *Augustanus*, we must remember that Vercelli was in a period of strong demographic expansion. It is precisely this expansive trend, probably, that explains the possibility of an entry into the cathedral clergy with *cura animarum* even for a person completely foreign to the local context. A person who could never have entered the canonical chapter.

2. City chapters and churches with *cura animarum* in Aosta between thirteenth and fifteenth centuries

Today Aosta is a small city in the North-West of Italy (it has less than 35.000 inhabitants) and it is the capital of an autonomous region – Aosta Valley – which is also the smallest region in the country (it has less than 130.000 inhabitants), where Italian and French are both official languages. Between thirteenth and fifteenth centuries, Aosta was located within the Savoy Cisalpine states. Its position was strategic, because it was crossed by two of the most important international routes around the Western Alps: the routes directed to the Great and the Small Saint Bernard passes. The huge number of hospitals, which used to offer food and a warm place to rest during the complicated journey, offers a clear indication of the multitude of people that passed through the region and the city (merchants, pilgrims and, of course, soldiers). The political and economic significance of this area was evident: every count and every duke of Savoy tried to control the region, either by direct government or negotiating the loyalty of the local powers²⁹. Among them, besides the aristocratic

²⁹ For more in-depth information on the history of hospitality and assistance in the Aosta valley during the late Middle Ages, see: Anselme-Nicolas Marguerettaz, *Les hôpitaux anciens du Val d'Aoste* (Aosta: Imprimerie de Jean-Baptiste Mensio, 1870); Elena Corniolo, “Ospitalità e assistenza nella valle d'Aosta tardomedievale”, in *Ospedali e montagne. Paesaggi, funzioni, poteri nei secoli medievali (Italia, Francia, Spagna)*, ed. Marina Gazzini and Thomas Frank (Milano-Torino: Pearson Italia, 2021), <https://riviste.unimi.it/index.php/SSMD/issue/view/1710>. For an overview of the historical-political development of Aosta valley in medieval times, see: Giuseppe Sergi, *Potere e territorio lungo la strada di Francia: da Chambéry a Torino fra X e XIII secolo*

families who controlled parts of the territory with their castles, the local Church was an important player. Geographically, the diocese of Aosta – yesterday as today – corresponded to the area shaped by the Alps³⁰. During the three centuries covered by this study, we can see, on the one hand, the bishop's power growing, especially at the expense of the other ecclesiastical and religious local institutions, and, on the other hand, the local Church opening to the dynamics of the power that, by the fifteenth century, were controlled by Rome and Chambéry, respectively by the pope and the Savoy prince³¹. This period represents, therefore, an interesting point of view to observe the dynamics within the Church of Aosta.

In particular, we will try to enter inside of the two most important institutions that, with the bishop, shared the administration of the diocese and the *cura animarum* of the people: the two city chapters, linked to the cathedral and to the church of Sant'Orso. The features and the evolution of their relationship with the bishop and with each other will be studied starting from the social composition of the two chapters. The social background and the geographic origin of the canons show the different ways in which the two chapters reacted to the dynamics that involved the diocese between thirteenth and fifteenth centuries. Both institutions were affected by a progressive opening to the Savoy aristocracy, but this process was faster in the cathedral chapter than in that of Sant'Orso. In the lower level of the

(Napoli: Liguori, 1981); Alessandro Barbero, "Conte e vescovo in Valle d'Aosta (secoli XI-XIII)", in *Valle d'Aosta medievale*, ed. Alessandro Barbero (Napoli: Liguori, 2000); Giuseppe Sergi, "Il medioevo: Aosta periferia centrale", in *La Valle d'Aosta e l'Europa*, I, ed. Sergio Noto (Firenze: Olschki, 2008).

³⁰ See below, Map 2, elaborated by the author from the map available online (cc: https://upload.wikimedia.org/wikipedia/commons/9/93/Mappa_diocesi_Aosta.png [last visit: 23/09/2022]). The map shows the diocese of Aosta and its parishes at the end of the 15th century. Parishes highlighted are those which were founded starting from the end of the 14th century. For the history of the diocese of Aosta see Renato Perinetti and Paolo Papone, "Le diocèse", in *Les institutions du millénaire*, ed. Conseil Régional de la Vallée d'Aoste (Quart: Musumeci, 2001).

³¹ For a more in-depth look at these issues, please refer to the bibliography discussed in Elena Corniolo, *Chiesa locale e relazioni di potere nel XV secolo. Sant'Orso d'Aosta tra il 1406 e il 1468* (Milano: FrancoAngeli, 2019), 37-51.

city parishes, instead, the clergy recruitment continued to involve almost only local priests, even when they were canons and when they led churches that depended on the two city chapters.

The social composition of the city chapters and its connection with power dynamics involving the local Churches in the late Middle Ages are topics of discussion well-known to historiography³². However, the diocese of Aosta in the late Middle Ages has not been investigated from this perspective. Local studies in the last decades have been more interested either in the History of art or in the spiritual life of the local Church³³. Between the end of nineteenth and the beginning of the twentieth century, some local scholars, often belonging to the clergy of Aosta valley, conducted research on local ecclesiastical institutions. They have given us books and editions of sources that can be the starting point for new studies³⁴. Other recent work of sources transcription – in particular, the edition of pastoral visitations of the fifteenth century related to the city of Aosta³⁵ – and a new volume dedicated to the cathedral of Aosta in the same period³⁶ can

³² See above, notes 3-4.

³³ Interest in Art history is particularly evident in: Daniela Platania, *Oger Moriset. Vescovo di Aosta e Saint-Jean-de-Maurienne (1411-1441). Vita e committenza artistica* (Aosta: Le château, 2003); Roberta Bordon *et al.*, eds., *Georges de Challant priore illuminato* (Aosta: Tipografia valdostana, 2011); Bruno Orlandoni, *L'âge d'or. Saggi e materiali su Stefano Mossettaz e sul tardomedioevo in Valle d'Aosta* (Aosta: Tipografia valdostana, 2013). The study of worship and ritual has been deepened in: Elfrida Roulet, "Vita religiosa nella diocesi di Aosta tra il 1444 e il 1525" (Diss., University of Turin: 1982); Marie-Rose Colliard, "Culto e religiosità di popolo nella diocesi di Aosta nella prima metà del XV secolo" (Diss., University of Turin: 1994); Maria Costa, ed., *Le culte et ses rites: des témoins manuscrits aux expressions de la dévotion populaire* (Aosta: La Vallée, 1994).

³⁴ Joseph-Auguste Duc, ed., *Documents relatifs à l'épiscopat du bienheureux Emeric I de Quart, évêque d'Aoste* (Aosta: Imprimerie Edouard Duc, 1879); Pierre-Étienne Duc, *Le prieuré de Saint-Pierre et Saint-Ours d'Aoste* (Aosta: Imprimerie catholique, 1899); Joseph-Auguste Duc, *Histoire de l'Église d'Aoste*, 1-3 (Aosta: Imprimerie catholique, 1901), 4-8 (Châtel-St-Denis: Imprimerie moderne H. Leibzig, 1909-1913), 9-10 (St-Maurice: Imprimerie de l'oeuvre St-Augustin, 1914-1915); Jean-Joseph Bono, *Les dix siècles de la prévôté de S. Gilles de Verrès* (Aosta: Imprimerie catholique, 1912); Justin Boson, *L'insigne collégiale d'Aoste* (Ivrea: Viassone, 1929).

³⁵ Marie-Rose Colliard, ed., *Atti sinodali e visite pastorali nella città di Aosta del XV secolo* (Aosta: Tipografia valdostana, 2015).

³⁶ Sandra Barberi and Luca Jaccod, eds., *Ecclesia pulchra. La cattedrale di Aosta e le committenze artistiche e librerie nel medioevo* (Aosta: Tipografia valdostana, 2019).

be used to find information on the city chapters. Therefore, the history of the local ecclesiastical institutions in Aosta valley is still a topic that can be explored with interesting results. In addition to this bibliography, unpublished sources from the chapter archives of both institutions were used in this research³⁷.

2.1. The organization of local Church in Aosta between thirteenth and fifteenth centuries

Beginning in the eleventh century, the map of Aosta expanded through new neighbourhoods. In particular, new houses, mills and factories were built beyond the eastern side of the Roman walls, a place historically dedicated to religious burials. This part of the city, called *Burgus de Porta Sancti Ursi*, quickly became an important economic centre³⁸. From this moment onwards, the city was organized into two principal areas: the ancient part of the city, built within the Roman walls, and the *Burgus*³⁹. Even from the ecclesiastical point of view, the administration of the city was split in two: two chapters who administered three parishes.

The cathedral chapter, which was a secular chapter, controlled the Roman area, which was divided into two districts. The parish of San Giovanni, in fact, was officiated by the canons and had its altar inside the cathedral of Santa Maria. The northern part of the city,

³⁷ See below notes 53-55.

³⁸ See below, Map 3 (1:17000), which shows the medieval organization of the city of Aosta and the main ecclesiastical institutions. This map is a reworking of that published by Ezio Gerbore in the volume Lino Colliard, *Vecchia Aosta* (Quart: Musumeci, 1986), 40.

³⁹ They have dealt with the urban structure of Aosta in the Middle Ages: Andrea Zanotto, "Note sull'assetto urbanistico medievale della città di Aosta", in *Atti del congresso sul bimillenario della città di Aosta* (Bordighera: Istituto internazionale di studi liguri, 1982); Colliard, *Vecchia Aosta*; Antonina Maria Cavallaro, "Ipotesi sullo sviluppo urbanistico di Aosta altomedievale", *Bollettino storico-bibliografico subalpino*, 94/1 (1996); Tersilla Gatto Chanu, *Aosta dalle origini al terzo millennio* (Quart: Musumeci, 2012).

the suburb of Santo Stefano, was also administrated by the cathedral chapter, which controlled the parish of Santo Stefano. The inhabitants of the *Burgus*, instead, found in the priory of Sant'Orso their religious landmarks. In fact, the canons of Sant'Orso, who followed the rule of Saint Augustine since 1132, administered the parish of San Lorenzo, located just in front of the priory's church⁴⁰.

The bond between the two chapters was deep. Until 1152 their shared heritage was reflected by the proportion of two-thirds to the cathedral and one-third to Sant'Orso. This proportion was the same that, officially from 1227, elected the bishop, the provost of the cathedral and the archdeacon of Aosta. This proportion was then reversed for the election of the prior of Sant'Orso. We can understand the technicalities of these elections from some sources preserved in the ecclesiastical archives of the diocese of Aosta⁴¹. The canons collaborated for the episcopal election again in 1376, even though, on that occasion, they were forced to recognize the supremacy of the pope, who refused their election to then end up choosing the same person who had been elected by the canons. This was the last attempt of canonical election of a bishop⁴². At the same time, at the beginning of the fifteenth century, others ecclesiastical and religious institutions lost their autonomy and powers. The provost of the cathedral and the archdeacon of Aosta lost their administrative power; until then, both institutions shared with the bishop the power to

⁴⁰ Paolo Papone and Viviana Vallet, "Storia e liturgia nel culto di Sant'Orso", *Bulletin Société académique religieuse et scientifique que du Duché d'Aoste (Bulletin Académie Saint-Anselme)*, 7 n.s. (2000): 220-259.

⁴¹ The papal bull issued to the chapter of Sant'Orso in 1227, which recognized the canons of the *Borgo* as having the right to elect the bishop, the archdeacon and the provost of Aosta, can be found in the Archivio storico del priorato di Sant'Orso (Aso), 4F1-2. In 1455 this document was transcribed in a cartulary (Aso, 1m), followed by the election of the provost which took place in 1318: Orphée Zanolli, ed., *Cartulaire de Saint-Ours. XV^e siècle* (Aosta: Imprimerie valdôtaine, 1975), 316-319, doc. 621.

⁴² The protagonist of this election was Giacomo Ferrandini, bishop of Aosta between 1376 and 1399: Amato Pietro Frutaz, *Le fonti per la storia della Valle d'Aosta. Riedizione con note aggiunte a cura di L. Colliard* (Aosta: Tipografia valdostana, 1998), 306.

visit and judge the districts which depended on them⁴³. The prior of Sant'Orso was also hindered in the governance of his community⁴⁴.

The relationship between the two chapters was often complicated. They fought for many reasons: processions, funerals, the ringing of bells. Even the boundaries of the two main parishes of the city were a topic of discussion. In 1233 they had to resort to arbitrators who tried to put an end to these oppositions. The border between the parishes of San Lorenzo and San Giovanni was fixed in correspondence of the river *Perron*, so that the parish of the *Burgus* also included a small part of the ancient city⁴⁵.

The cathedral of Aosta has long exercised the primacy in the *cura animarum* of the inhabitants of Aosta. Until 1387 it possessed the only baptismal font in the entire city⁴⁶. The church of San Lorenzo was able to build its own starting from this time, but the parishioners of Santo Stefano continued to go to the cathedral to be baptized still in the fifteenth century⁴⁷.

⁴³ Antonio Gallenca, "Un capitolo della storia ecclesiastica di Aosta: il Prevosto e l'Arcidiacono", in *La Valle d'Aosta. Relazioni e comunicazioni presentate al XXXI Congresso Storico Subalpino di Aosta* (Torino: Deputazione subalpina di storia patria, 1958).

⁴⁴ Corniolo, *Chiesa locale*.

⁴⁵ See below, Map 3 (1:17000) to find the river Perron inside the city of Aosta and above, note 38 for the references. Zanolli, *Cartulaire*, 340-346, doc. 625. Another *compositio super modo processionandi* dates from 1269: Zanolli, *Cartulaire*, 330-332, doc. 623.

⁴⁶ Several studies show a progressive localization, in the north of Italy, of the *cura animarum* at least starting from the end of the 14th century. See, for example, *Pievi e parrocchie*, for a comparison between different areas, and Emanuele Curzel, "L'organizzazione ecclesiastica nelle campagne", *Reti medievali rivista*, 11/1 (2010) for a bibliographical investigation; Iginio Rogger, *Storia della Chiesa di Trento. Da Vigilio al XIX secolo* (Trento: Il Margine, 2009) and Emanuele Curzel, "Pievi e cappelle in area trentina nel tardo medioevo", in *La Chiesa «dal basso». Organizzazioni, interazioni e pratiche nel contesto alpino alla fine del medioevo*, eds. Simona Boscani Leoni and Paolo Ostinelli (Milano: FrancoAngeli, 2012) for the alpine area of the North-East of Italy; Elisabetta Canobbio, "Strutture della *cura animarum* in diocesi di Como: pievi, parrocchie, comunità", in *La Chiesa «dal basso»* and Massimo Della Misericordia, *Comune ecclesie. Chiese e società locali in Valtellina e nelle Alpi lombarde nel tardo medioevo* (Sondrio: Tipografia Bettini, 2015) for the Lombardy Alps.

⁴⁷ The baptismal font erected in the church of San Lorenzo is at the heart of a pronouncement of the diocesan official dated July 2, 1387 (Aso, 4F7-6). In 1416 this «fons baptismatis stilat in duabus partibus, aliter est bene», Marie-Rose Colliard, *Atti sinodali*, 152. In the acts of the pastoral visitation to the church of Santo Stefano of

In the following part of the article, we will dive into the analysis of the social and geographical composition of local Church of Aosta and its main protagonists. In particular, we will try to recreate the sequence of the people who played the most important roles in the two chapters and the two parish churches between thirteenth and fifteenth centuries: provosts, archdeacons, priors and priests. Aim of this study is to see if the social and geographic origins of these actors can explain anything about the way these urban ecclesiastical institutions reacted to the evolution that affected the local Church in this period.

2.2. Archdeacons, provosts, priors and priests in Aosta between thirteenth and fifteenth centuries

In order to follow the sequence of the people in charge as archdeacon, provost, prior and priest in Aosta between the thirteenth and fifteenth centuries, the volumes written by local scholars between the end of the eighteenth century and the beginning of the twentieth were useful. The attention that was given to the local ecclesiastical and religious institutions during this extended period led to the creation of several types of work. In the eighteenth century, some authors tried to recreate the sequence of the most important political, administrative and ecclesiastical offices that acted in Aosta since their origins. The results are not entirely in agreement, but they are still a standard of comparison for new research⁴⁸. A specific interest in the local

Aosta dated 1416 we read for example: «sacramentalia servantur in Sancto Johanne Augustensi ubi batizantur omnes parrochiani, et ipsa est de gremio ecclesie. Fontes non sunt», Colliard, *Atti sinodali*, 215. Still in 1459 the archdeacon noted: «baptistorium non habent, sed vadunt ad curatum Sancti Johannis sive ad baptistorium cure Sancti Johannis», Colliard, *Atti sinodali*, 228.

⁴⁸ In particular, the sequences of archdeacons and provosts present in the *Historique de la Vallée d'Aoste*, written by Jean-Baptiste de Tillier in 1737 – Jean-Baptiste de Tillier, *Historique de la Vallée d'Aoste*, ed. Andrea Zanotto (Aosta: Imprimerie I.T.L.A., 1968), 413-415, 419-422 – and in the *Catalogue*, written by Dondeynaz in 1773 –

Church dates to the end of the nineteenth century. The writing of both monographs on individual institutions⁴⁹ and volumes devoted to local church history dates from this period⁵⁰. All this information needs an accurate verification, which could be done on the one hand through the recent research that in many ways have concerned the local Church and, on the other hand, through the sources. Both possibilities were pursued for this research. To find information on the clergy of the cathedral, the volume *Ecclesia pulchra. La cattedrale di Aosta e le committenze artistiche e librerie nel medioevo* was useful⁵¹. The transcription of the acts of the diocesan synods and pastoral visitations of the fifteenth century was equally important to research the local clergy⁵². Several volumes of the minutes of meetings of the cathedral chapter in the fifteenth century have been also investigated⁵³. The institutional history of the priory of Sant'Orso has not been researched in recent decades. For this reason, too, my doctoral thesis was devoted to the history of this institution in the fifteenth century. On that occasion I had the opportunity to work on the documentary heritage of this institution⁵⁴. Many sources (almost two thousand documents) dating back to the fourteenth

Dondeynaz, *Catalogue* (Chambéry: Imprimerie de M. F. Gorrin, 1773) – have been used for this work.

⁴⁹ Such as *Le prieuré de Saint-Pierre et Saint-Ours d'Aoste*, written by Duc in 1899, where the sequence of priors of Sant'Orso is found (Pierre-Étienne Duc, *Le prieuré*).

⁵⁰ Such as the ten books of the *Histoire de l'Église d'Aoste*, written between 1901 and 1915 by Joseph-Auguste Duc, bishop of Aosta between 1872 and 1907, where it is possible to find a lot of information about the institutions and the actors of Aosta's Church (Joseph-Auguste Duc, *Histoire de l'Église*), and the various editions of the *Annuaire du diocèse d'Aoste*, written by Pierre-Étienne Duc starting from the last decades of the 19th century, where it is possible to find the sequences of the priests of almost all the parishes of Aosta diocese: Pierre-Étienne Duc, *Annuaire du diocèse d'Aoste 1893* (Torino: Imprimerie Saint-Joseph – Collège des Artigianelli, 1893), 24, 26-27.

⁵¹ Barberi, and Jaccod, *Ecclesia pulchra*.

⁵² Marie-Rose Colliard, *Atti sinodali*.

⁵³ These sources are preserved in Aosta, Archivio storico della cattedrale (Acca), V 21 Voll. 33, 33bis, 33ter, 34, 50.

⁵⁴ To explore what kind of sources were investigated, please refer to the bibliography in Corniolo, *Chiesa locale*, 309-311.

century and now preserved in the Historical archives of Sant'Orso have recently been studied for a research project supported by the Superintendence of Cultural Heritage of Aosta Valley⁵⁵.

By comparing these documentary and bibliographical data, it was possible to recreate the lists of archdeacons, provosts, priors and priests who lived in Aosta between the thirteenth and fifteenth centuries. The sequences include only those names that can be supported by documented research; names that are only present in the sequences dating back to the eighteenth century have been rejected for now⁵⁶. The four categories of offices investigated can be divided into two groups: archdeacons, provosts and priors on the one hand and the local priests on the other.

Regardless of the century, part of the first group were mainly people with aristocratic origins: 14 of the 21 archdeacons, 13 of the 21 provosts and 11 of the 20 priors of Sant'Orso were wealthy individuals⁵⁷. Concerning the other names, it is generally difficult to tell whether they were aristocrats or not. It is clear and obvious that the three more important ecclesiastical positions in the local Church represented a path to success for members of aristocratic families. What changes during the period covered by this study are the geographical origins of these families. In fact, until the fifteenth century, most archdeacons and provosts were part of the aristocracy

⁵⁵ Aso, 7A11 (Varia XV^e siècle); 1B1 (1455-1469, Angley); 1B2 (1440-1455, Angley); 7B6 (1320-1340); 7B7 (1360-1368); 7B8 (1368-1369); 7B9 (1369); 7B10 (1370-1372); 1C1 (1371-1372); 1C2 (1374-1380); 1C3 (1380-1400); 1C4 (1400-1408); 1C5 (1409-1410); 1C6 (1410-1414, Vallaise); 1C7 (1414-1415, Vallaise); 1C8 (1416-1420, Vallaise); 7C7 (Varia); 4D8 (1304-1500, St-Blaise Quart); 7D1 (1320-1340); 7D2 (1420-1440); 3E10 (Charte Augustane); 7E10 (Testaments des chanoines); 2F1 (1460-1475); 4F1 (Bulles); 4F3 (Documents); 4F4 (Actes des prieurs XIV^e siècle); 4F6 (Documents 1300-1397); 4F7 (1380-1400); 4F8 (Documents 1400); 2m (Cartulaire XIV^e siècle); 9m (Actes des prieurs); 21R (1443-1454). These sources were analysed in Elena Corniolo and Luca Jaccod, "*In monasterio Sancti Ursi. Un cantiere aperto sui secoli XIV-XV*", in *1416-2016: Il tempo di Amedeo VIII in Valle d'Aosta* (in press).

⁵⁶ See below, Tables 1-6.

⁵⁷ See below, Tables 1-3. To find information about the most important aristocratic families of Aosta valley and their genealogies, the volume Jean-Baptiste de Tillier, *Nobiliaire du Duché d'Aoste*, ed. Andrea Zanotto (Aosta: Imprimerie ITLA, 1970), written in the 18th century, remains a good starting point, even if it needs to be verified.

originating in Aosta valley. This proportion tends to be reversed, for the archdeacons from the beginning of the fifteenth century, while for the provosts dates back to 1330 onwards. The dynamic of power that was shaping the entire western Church in the fourteenth and fifteenth centuries is also evident in the diocese of Aosta: in this period, the local Church tends to lose its autonomy and the ecclesiastical and religious benefices become commodities in a higher and wider local context, which for the diocese of Aosta means the territory of the Savoy States. In fact, archdeacons and provosts came mainly from aristocratic families from the dioceses on the other side of the Alps and, although to a lesser quantity, from Piedmont. This dynamic was slower in the priory of Sant'Orso, where the attachment to the local contest was deep and prolonged. Until 1440, in fact, the institution was directed by priors who came from aristocratic families from Aosta valley. The priory resisted the market of ecclesiastical benefits for an extended period, during which, by studying the sources preserved in the episcopal and the capitular Archives, it is possible to observe a strong opposition to the power of bishop on the part of the prior and the regular canons. The openness to the dioceses beyond the Alps that characterized the cathedral chapter in contrast to that of Sant'Orso is clear even by studying the other functions performed by the canons. Most of them had significant and prolonged relationships beyond the Alps; in fact, they often were also canons or even bishops in the dioceses of the Savoy Church⁵⁸.

⁵⁸ Among the archdeacons, starting from the 13th century, six people were canons also in other cathedrals – Aimone di Chesallet (Sion), Aimone Grossi (Lille), Bonifacio di Sarre (Sion), Emerico di Quart (Ivrea), Giacomino de Crista (Troyes), Giorgio di Challant (Lyon) – and two became bishops of other Savoy dioceses – Aimone di Challant (Sion), Ogerio Moriset (Saint-Jean-de-Maurienne). Even among the provost, starting from the 13th century, five people were canons also in other cathedrals – Pietro II di Savoia (Valence, Lausanne, Genève, Lyon), Espaunius (Chartre), Pietro di Challant (Lyon), Pietro di Cly (Lyon), Antonio di Billens (Lausanne) – and seven became bishops of other Savoy dioceses, even if many of them remained elected bishops – Rodolfo Grossi (Tarentaise), Pietro di Challant (Lyon), Pietro di Cly (Lyon), Guglielmo di Montjoie (Béziers), Giovanni di Billens (Saint-Papoul), Aimone di Gerbais (Saint-Jean-de-Maurienne), Guglielmo Didier (Belley). See below, Tables 1-2, last column.

Both institutions administered many parishes, including the three urban parishes of Aosta. By studying the succession of the people who were priests with *cura animarum* in these churches⁵⁹, it is easy to discover how closely they were tied to the local context⁶⁰. Between thirteenth and fifteenth centuries, all the priests of the churches of San Giovanni, San Lorenzo and Santo Stefano whose names I have been able to collect were from families from Aosta valley, almost none of them aristocratic, with few exceptions for the parish linked to the cathedral. Local Church seemed to act upon two levels: the elevated level of the summits of the ecclesiastical institutions – the bishop, of course, but also the archdeacon of Aosta, the provost of the cathedral and the priors of the Augustinian institutions – and the low level of the parishes. If the former attracted aristocratic families and was attracted by the circuit of exchanges involving the Savoy Church between fourteenth and fifteenth centuries, the latter stayed in the local context. What is interesting is that the people who acted within the two city chapters were the same ones who held the office of priest with *cura animarum* in the three urban parishes. In fact, almost all the priests of San Giovanni and San Lorenzo came respectively from the cathedral chapter and from the chapter of Sant’Orso. All the priests, even those of Santo Stefano, were in any case tied to the institution that had the power to assign parish benefits.

Therefore, the two city chapters even at the end of the fifteenth century, were seen as privileged places for social promotion, even though, in this period, the climb of the social ladder was mainly reserved to the most important aristocratic families of Savoy. Nonetheless, the local families who managed to enter the two chapters found in the administration of the two most important urban parishes a way to root themselves in the local political and social context.

⁵⁹ See below, Tables 4-6.

⁶⁰ This sentence could be mitigated for other parishes of the diocese of Aosta in the 15th century: Marie-Rose Colliard, “*Cura animarum* e formazione del clero: il ministero sacerdotale nelle parrocchie valdostane nella prima metà del Quattrocento”, in *Ecclesia pulchra*.

3. Comparative method: some reflexions on the case studies of Vercelli and Aosta

The comparative method used to analyse Aosta and Vercelli in terms of territorial recruitment and social composition of the clergy shows both differences and similarities between the two cities in North-Western Italy.

Considering the timelines that have been studied for this research, it is evident that they are similar, but not entirely the same. The chronology of the history of Vercelli, in fact, focuses on the twelfth and thirteenth centuries; that of Aosta, instead, starts in the thirteenth century and goes up to the fifteenth century. This delay depends on the different urban and political development of the two cities: Vercelli became a relevant urban centre before Aosta, whose relevance remained linked to the power of the Savoy prince.

The relationships linking the dioceses of Vercelli and Aosta to other dioceses during these centuries were influenced by this different urban history. The contacts between Vercelli and Rome dated early, like those with the Lombardy area – from which the majority of bishops and canons came. Aosta, since the beginning of its social, political, and economic rebirth, was projected beyond the Alps. Contacts with the Piedmont – and with Vercelli – existed, but they were not structural until the sixteenth century. Starting in the fifteenth century, the Rome-Chambéry bipolarity became stronger and began to influence the local history.

The link between Vercelli and Lombardy also influenced the composition of the cathedral clergy. Here, in fact, in addition to the canons, there was also a minor clergy, more involved in the *cura animarum*, according to the Lombard model. In Aosta, on the other hand, the canons were often in charge as priests in the city parishes.

The organization of the urban Church was also different in the two cities involved in this study. In Vercelli, the cathedral of Sant'Eusebio itself had parochial functions. In Aosta, on the other hand, both city chapters were responsible for the *cura animarum* of the people

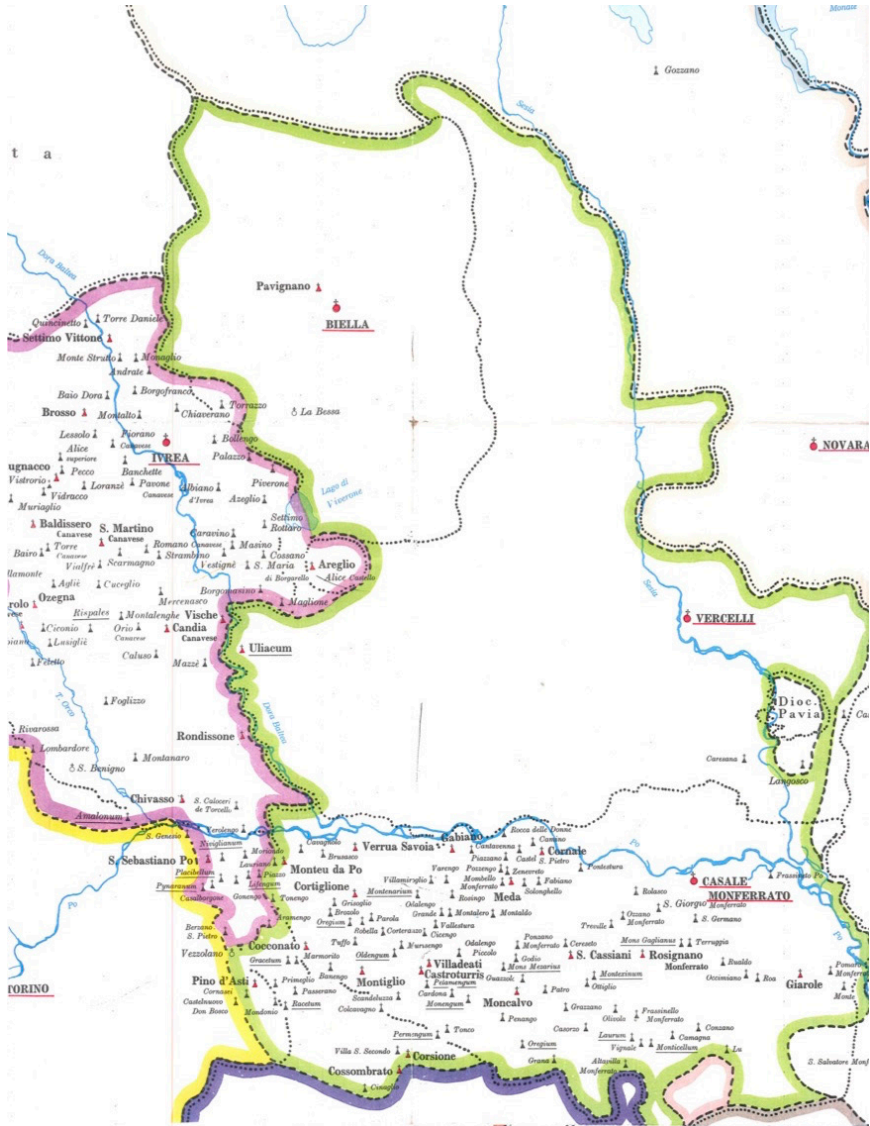
through parish churches distinct from both the cathedral and the priory church.

Despite the different chronology, similarities between Vercelli and Aosta are equally evident. Members of the local aristocratic families found in the two cathedral chapters a useful place for their social and political advancement. These chapters, otherwise, also attracted foreign clergy, particularly those who were linked to the bishop, the pope or, especially in Aosta from the fourteenth century, the prince. They generally came from aristocratic families, often involved in a type of mobility linked to their cultural formation.

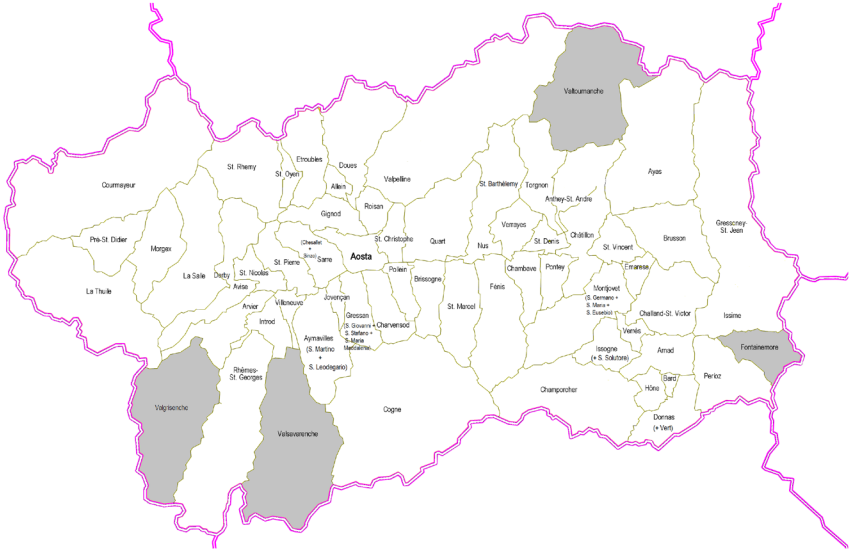
Clergy with parish functions, on the other hand, was tied to the local context and generally of humble social origin. It does not mean that parish clergy was not involved in some form of mobility. The two case studies illustrated for Vercelli show, on the one hand, that people often moved when the cities expanded and that some of them found in the lower cathedral clergy a way to fit into the local social context; on the other, that priests in search of a place to practice their profession sometimes arrived in Vercelli earlier than the clergy linked to the bishops. In any case, most of the parish clergy, both in Vercelli and Aosta, were of local origin and moved within the diocese, whether these clerics were part of the cathedral chapter or not. Especially for Aosta (because of the chronology considered here), it is quite a significant difference compared to the situation of Northern Italy, where the mobility of parish clergy generally increased considerably from the fourteenth century onwards.

Therefore, we can say that parish and canonical clergy were not composed of the same people: social and territorial recruitment was generally different for these two types of clergy. Actually, the mobility of clerics could have different features even when people came from the same territory and arrived in the same place. In any case, parochial like canonical clergy clearly had their own identity within the history of the local Church.

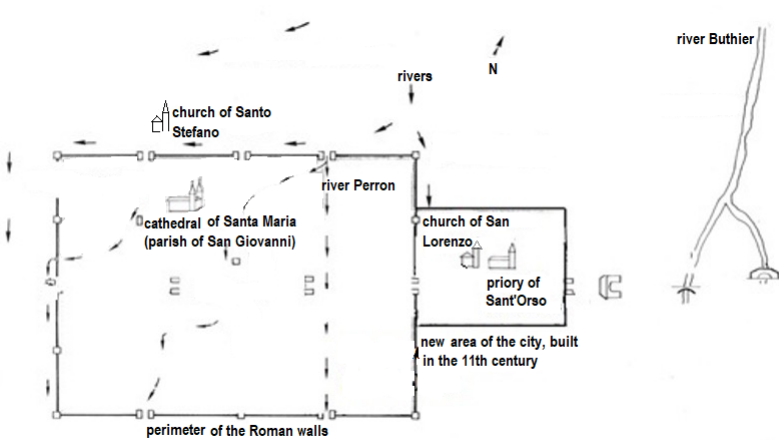
Maps



Map 1. An image of the medieval diocese of Vercelli from *Rationes decimarum Italiae nei secoli 13. e 14. Lombardia et Pedemontium*, ed. Maurizio Rosada (Città del Vaticano: Biblioteca Apostolica Vaticana, 1990).



Map 2. The diocese of Aosta and its parishes at the end of the 15th century. The map was elaborated by the author from the map available online⁶¹.



Map 3. The medieval organization of the city of Aosta and the main ecclesiastical institutions (1:17000)⁶².

⁶¹ See https://upload.wikimedia.org/wikipedia/commons/9/93/Mappa_diocesi_Aosta.png [last visit: 23/09/2022].

⁶² This map is a reworking of that published by Ezio Gerbore in the volume Lino Colliard, *Vecchia Aosta* (Quart: Musumeci, 1986), 40.

Tables Supporting the Analysis in §2.2

The following tables list the pieces of information that are considered in the paragraph 2.2, related to Aosta⁶³.

⁶³ The data showed by the tables came from a bibliographical and documentary research, whose, considering the purpose of the research, I offer here the general references. Please, consider that a lot of documents have been investigated, often unsuccessfully. Therefore, in this case the bibliography shows the process of the research, not its specific results. The tables show instead the elaboration of the acquired data. See above, notes 48-52 for the bibliographical references; notes 53-55 for the documentary references. Other bibliography was useful to find names and information: Joseph-Antoine Besson, *Mémoires pour l'histoire ecclésiastique des diocèses de Genève, Tarantaise, Aoste et Maurienne et du Décanat de Savoye* (Môitiers: Marc Cane, 1871), 243-282; Orfeo Zanolli, ed., *Inventaire des archives des Vallaise*, I-III (Aosta: ITLA-Musumeci, 1985-1988); Jacques Lovie, *Les diocèses de Chambéry, Tarentaise, Maurienne* (Paris: Éditions Beauchesne, 1979), 5-79. Critical editions of documentary sources: Zanolli, *Cartulaire*; Orfeo Zanolli, ed., in cooperation with Lino Colliard, *Les obituaires d'Aoste* (Aosta: Musumeci, 1980); Maria Costa, ed., *Le più antiche carte del priorato aostano di Saint-Bénin (1239-1370)* (Aosta: Tipografia Valdostana, 1988).

Name	Uptime	Aristocratic family	Origins			Significant and prolonged relationships beyond the Alps
			local	beyond the Alps	other	
Antonio	end of 12 th cent.					
Anselmo	end of 12 th -begin of 13 th cent.					
Bernardo di Pertuis	1201		X			
Davide di Pont-Saint-Martin	1206-1221 (death)	X	X			
Aimone di Chesallet	1223-1231 (death)		X			X
Giovanni di Cigliano <i>alias</i> Lombardi	1231-1263 (death)				X (Piedmont)	
Aimone Grossi di Châtelar di La Salle	1263	X	X			X
Aimone di Challant	1276-1305/8? (death: 1323)	X	X			X
Bonifacio di Sarre	1305-1318 (death)	X	X			X
Pietro di Quart	1318-1321 (death)	X	X			
Guglielmo di Quart	1324-1343 (death)	X	X			
Emerico di Quart	1343-1358	X	X			
Giorgio Bersatori	1389-1400 (death)	X			X (Piedmont)	
Giacomo de Crista di Doues	1400-1405 (death)	X	X			
Ogerio Moriset di Conflens	1406-1409	Not		X		X
Giacomino de Crista	1411-1432	X	X			X
Pietro di Gilaren	1432-1455 (death)	X		X		X
Guido Bollieti	1455 (death: 1458)	X		X		X
Baldovino Scutiferi	1455-1475 (death)			X		
Giovanni di Mercenasco <i>alias</i> Valperga	1475	X			X (Piedmont)	
Giorgio di Challant	1479-1509 (death)	X	X			X

Table 1. Archdeacons of Aosta between 13th and 15th centuries.

Name	Uptime	Aristocratic family	Origins			Significant and prolonged relationships beyond the Alps
			local	beyond the Alps	other	
Guido	1180-1206					
Davide de Sotor	1207-?					
Pietro II di Savoia	1227-1232	X		X		X
Espauinius	1233					X
Rodolfo Grossi di Châtelar	1241-? (death: 1271)	X	X			X
Rodolfo des Cours	1243-?	X	X			
Ugo Gay	1247					
Enrico di Quart	1288-1318 (death)	X	X			
Pietro di Challant	1253-? (death: 1287)	X	X			X
Pietro di Cly	1321-1328 (death: 1329)	X	X			X
Andrea Bersatori	1330-? (death: 1361)	X			X (Piedmont)	
Antonio di Billens	1361-1387 (death: before 1390)	X		X		X
Giovanni Magnin di Chambéry	1387-1397			X		
Guglielmo di Montjoie	1405- -1420/21 (death: 1451)	X		X		X
Giovanni di Billens	1421	X		X		X
Aimone di Gerbais	1421-1422			X		X
Aimone di Sala	1424		X			
Guglielmo Didier di Bresse	1425-1428	X		X		X
Teobaldo di Vico	1429; 1438			X		
Giovanni di Valperga	ante 1474	X			X (Piedmont)	
Giovanni Pietro di Piosasco	1474-1507 (death)	X			X (Piedmont)	

Table 2. Provosts of the cathedral of Aosta between 13th and 15th centuries.

Name	Uptime	Aristocratic family	Origins			Significant and prolonged relationships beyond the Alps
			local	beyond the Alps	other	
Bonifacio di Valperga	1210-1219	X			X (Piedmont)	
Erluino di Chignins	1220-1224			X		
Giordano	1224-1228					
Aimone	1228-1230					
Pietro di Saint-Alban	1230-1250			X		
Pietro de Palatio	1250-1260	X	X			
Giovanni	1260-1264					
Gontier di Courmayeur	1264-1280		X			
Guglielmo di Brissogne	1280-1286		X			
Uldrico di Rhyns (Roisan)	1287-1294	X	X			
Guglielmo di Lides <i>senior</i>	1294-1332	X	X			
Amedeo di Miribel di Bresse	1332-1334	X		X		
Giovanni di Arnyo	1334-1349					
Guglielmo di Lides <i>junior</i>	1349-1361	X	X			
Giovanni di Champvillair di Roisan	1361-1373 (death)	X	X			
Riccardo	1373					
Bertoldo di Balme di Nus	1374-1406 (death)	X	X			
Antonio di Vallaise	1406-1440	X	X			
Umberto Anglici	1440-1467/68	X		X		
Giorgio di Challant	1467/68-1509 (death)	X	X			

Table 3. Priors of Sant'Orso of Aosta between 13th and 15th centuries.

Name	Uptime	Aristocratic family	Origins		
			local	beyond the Alps	other
Aimone de Palatio	1231-1272	X	X		
Giovanni di Étroubles	starting from 1237; 1256	X	X		
Goffredo	1237; 1270				
Aimone di Quart	1279-1300	X	X		
Giovanni de la Plantà	1300-1310 (death)	X	X		
Rodolfo di Focha Sarre	1320-1330 (death: 1335)	X	X		
Giovanni Philippi	1359				
Pietro, <i>Il papa di Derby</i>	1359		X		
Michele di Foras	1395-1406				
Giovanni Rosset	1419, 1424		X		
Antonio Pécion	1422		X		
Giovanni Rosset	1431-1440		X		
Francesco Rosset di Saint-Martin-de-Corléans	1441-1469		X		
Leonardo di Bosses	1472-1512	X	X		

Table 4. Priests of S. Giovanni of Aosta between 13th and 15th centuries.

Name	Uptime	Aristocratic family	Origins		
			local	beyond the Alps	other
Giovanni di Brissogne	1288-1304		X		
Francesco de Jordanis	1362	X	X		
Varnerio di Saint-Oyen	1396		X		
Antonio Pecplet	1404-1419		X		
Giovanni di Carreria	1424-1440		X		
Bonifacio Bordon di Cogne	1443		X		
Giovanni Revelli	1463-1483		X		
Sulpicio Martinet d'Arvier	1490		X		

Table 5. Priests of S. Lorenzo of Aosta between 13th and 15th centuries.

Name	Uptime	Aristocratic family	Origins		
			local	beyond the Alps	other
Pietro d'Arvier	1302		X		
Ibleto di Pralia	1357-1393		X		
Pietro di Pralia	1393-1413		X		
Giovanni Volant	1455-1461				

Table 6. Priests of S. Stefano of Aosta between 13th and 15th centuries.

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**BISHOPS AND DIGNITARIES OF COIMBRA
IN THE THIRTEENTH CENTURY:
A PROSOPOGRAPHICAL STUDY**

Maria do Rosário Morujão

Universidade de Coimbra, Centro de História da Sociedade e da Cultura

ORCID 0000-0003-1311-4720

Abstract: The diocese of Coimbra was restored around 1080, following the definitive conquest of the city by the Christian armies led by the emperor Fernando the Great. Together with Sesnando Davides, the Mozarabic count to whom he handed over the government of an immense territory that included the city, one of the first measures he took was to provide the main church of the city with a canonical body that would assist the bishop in his pastoral tasks. About a century later, a new cathedral was built, which had a strategic role in the organization of the space of Coimbra's "almedina", as the headquarters of the main parish of the city.

Although the general features of the chapter's evolution are already known, as well as the action of its bishops, neither the social composition nor the dynamics of the canonical recruitment in the Cathedral of Coimbra have been studied yet. Studying them is the purpose of this paper.

Resumo: A diocese de Coimbra foi restaurada por volta de 1080, após a conquista definitiva da cidade pelos exércitos cristãos liderados pelo imperador Fernando Magno. Juntamente com Sesnando Davides,

o conde moçárabe a quem entregou o governo de um imenso território que incluía a cidade, uma das primeiras medidas que tomou foi dotar a igreja matriz da cidade de um cabido de cónegos que auxiliasse o bispo nas suas tarefas pastorais. Cerca de um século depois, foi construída uma nova catedral, que teve um papel estratégico na organização do espaço da almedina de Coimbra, como sede da paróquia principal da cidade.

Embora se conheçam já os traços gerais da evolução do cabido, bem como a ação dos seus bispos, não estão ainda estudadas a composição social nem a dinâmica do recrutamento canónico na Sé de Coimbra. Estudá-las é o objetivo deste trabalho.

Introduction

The diocese of Coimbra was restored in 1080 or thereabouts, following the definitive conquest of the city by the Christian armies led by Emperor Fernando the Great¹. The town was an important point in his victorious campaign, giving him sovereignty over vast territories of the future Portugal as he took advantage of the weakness caused by the fragmentation of the Muslim caliphate of Córdoba into small taifa kingdoms². To conquer this important site, strategically

¹ About the restoration of this diocese, see Maria do Rosário Barbosa Morujão, *A Sé de Coimbra: a instituição e a chancelaria (1080-1325)* (Lisboa: FCG/FCT, 2010), 39-50.

² For a synthesis about this period, see Luís Manuel de Araújo, “Os Muçulmanos no Ocidente peninsular”, in *História de Portugal*, ed. by José Hermano Saraiva, vol. 1 (Lisboa: Alfa, 1983), 245-289; José Mattoso, “A política”, in *História de Portugal*, ed. by José Mattoso, vol. 1: *Antes de Portugal* (Lisboa: Presença, 1992), 567-570; Mário Jorge Barroca, “A Reconquista cristã (1064-1249)”, in *Nova História Militar de Portugal*, ed. by Manuel Themudo Barata, Nuno Severiano Teixeira, vol. 1 (Rio de Mouro: Círculo de Leitores, 2003), 28-33. For those who do not read Portuguese, see for instance A. R. Disney, *A History of Portugal and the Portuguese Empire: From Beginnings to 1807*, vol. I: *Portugal* (Cambridge: Cambridge University Press, 2009); Stephen Lay, *The Reconquest Kings of Portugal: Political and Cultural Reorientation on the Medieval Frontier* (New York: Palgrave Macmillan, 2009) or Bernard F. Reilly, *The Kingdom of León-Castilla under King Alfonso VI, 1065-1109* (Princeton: Princeton University Press, 1988).

located on the north bank of the Mondego River, Fernando collaborated with Sesnando Davides, the Mozarabic count to whom he handed over the governance of an immense territory – with Coimbra as its centre³.

One of Sesnando's first measures, together with the bishop assigned to the diocese, was to provide the main church of the city with a chapter that would assist the bishop in his pastoral tasks⁴. This ecclesiastical organization was one of the ways of guaranteeing the solid occupation and settlement of these conquered zones. Thus began a new phase in the life of Coimbra and its diocese – almost three centuries after falling under the Muslim rule.

The chapter began by implementing the practices of the 'common life' as recommended by the peninsular ecclesiastical councils and the Gregorian reform, as was being implemented in the Iberian Peninsula at that time. However, the inexorable process of secularization that was becoming the trend throughout Western Europe also began in Coimbra, from the early twelfth century⁵.

The general features of the chapter's evolution during the Middle Ages have already been studied – as has the episcopal action from the restoration of the diocese until the first decades of the fourteenth century⁶. The social composition and the dynamics of the canonical recruitment in the Cathedral, however, have yet to be the subject of the careful analysis they deserve, in order to understand the ecclesiastical elite of the city that, until the middle of the thirteenth century, was of the greatest importance in the Portuguese kingdom. Within which social groups were the bishops and the chapter's dignities recruited? What steps were to be taken in order to build their careers? What ties existed – of influence and/or dependence – with the power wielded by the king?

³ About Sesnando Davides, see Maria Helena da Cruz Coelho, "Nos alvares da história de Coimbra – D. Sesnando e a Sé Velha", in *Sé Velha de Coimbra: Culto e Cultura* (Coimbra: Catedral de Santa Maria, 2005), 11-39.

⁴ Morujão, *A Sé de Coimbra*, 40-47.

⁵ Morujão, *A Sé de Coimbra*, 195-210.

⁶ Morujão, *A Sé de Coimbra*, 75-193.

The aim of this paper is to open this particular avenue of study for the cathedral of Coimbra, focussing on the thirteenth century – a period for which there are equivalent records regarding other cathedrals for comparison.

This analysis utilizes the extant data collected for this author's prior studies on the cathedral⁷, as well as the database created and enriched within the scope of the project *Fasti Ecclesiae Portugaliae*⁸, such as the information contained in the wills of bishops and chapter members published by the project⁹, and furthermore in the cathedral's fourteenth century obituary¹⁰. The data was approached with the prosopographic method once again, as it has proved so effective for organizing a questionnaire on a particular social group, and likewise has been employed in the main studies carried out on ecclesiastical communities both in Portugal and abroad¹¹. The prosopographic

⁷ Maria do Rosário Barbosa Morujão, "La famille d'Ébrard et le clergé de Coimbra aux XIII^e et XIV^e siècles", in *A Igreja e o clero português no contexto europeu. Colóquio Internacional* (Lisboa: CEHR, 2005), 75-91; "O báculo e a coroa na Coimbra medieval", in *Raízes Medievais do Brasil Moderno. Actas*, ed. by Margarida Garcez, José Varandas (Lisboa: Academia Portuguesa da História, 2008), 43-66; "Bispos em tempos de guerra: os prelados de Coimbra na segunda metade do século XIV", in *A guerra e a sociedade na Idade Média. VI Jornadas Luso-Espanholas de Estudos Medievais*, ed. by Maria Helena da Cruz Coelho, Saul António Gomes, António Manuel Ribeiro Rebelo, vol. 1 ([Torres Novas]: SPEM, 2009), 539-550; *A Sé de Coimbra*; Maria Helena da Cruz Coelho, Maria do Rosário Barbosa Morujão, "Les testaments du clergé de Coimbra: des individus aux réseaux sociaux", in *Encontro Internacional Carreiras Eclesiásticas no Ocidente Cristão (séc. XII-XIV)* (Lisboa: CEHR, 2007), 121-138.

⁸ About this project, see Ana Maria Jorge, "Fasti Ecclesiae Portugaliae: prosopografia do clero catedralício português (1071-1325)", *Lusitania Sacra* 13-14 (2001-2002): 665-666.

⁹ Maria do Rosário Barbosa Morujão, ed., *Testamenta Ecclesiae Portugaliae (1080-1325)* (Lisboa: CEHR, 2010).

¹⁰ Pierre David, Torquato de Sousa Soares, eds., *Liber Anniversariorum Ecclesiae Cathedralis Colimbiensis (Livro das Kalendas)*, 2 vols. (Coimbra: Faculdade de Letras da Universidade de Coimbra, 1947-1948).

¹¹ About this method, see Barrie Dobson, "The prosopography of late medieval cathedral canons (some reflections on *I canonici al servizio dello Stato in Europa secoli XIII-XVI*, by H. Millet). *Medieval Prosopography*, 15 (2) (1994): 67-92; Jean-Philippe Genet, Günther Lottes, eds., *L'État moderne et les élites XIII^e-XVIII^e. Apports et limites de la méthode prosopographique* (Paris: Éditions de la Sorbonne, 1996); *Aragón en la Edad Media. La Prosopografía como método de investigación sobre la Edad Media. Sesiones de trabajo. Seminário de Historia Medieval* (Zaragoza: Universidad de Zaragoza, 2006). About its application to the study of members of the secular clergy in Portugal, see Hermínia Vasconcelos Vilar, *As dimensões de um poder. A diocese de Évora na Idade*

structure used to organize the data has already been tested in several studies and includes the items presented on Table 1¹².

Identification	Name Chronology Status in ecclesiastical hierarchy Holy orders Geographical origin
Social position: family	Parents Siblings Other relatives
Private life	Descendants Death Will Chapels and anniversaries Place and tomb Executors of the will
Kinship network	Protectors Relatives in the Church hierarchy Executor of wills Clientele Appearance as witness
Career in the cathedral	Service of the chapter Service of the bishop Journeys
Career outside the cathedral	Regal and aristocratic power Ecclesiastical power
Economic position	Patrimony – acquisitions Patrimony – management Lifestyle
Studies and cultural level	Intellectual life Books

Table 1. The prosopographic file used
(adapted from Morujão and Saraiva, “A clergyman’s career”).

Média (Lisboa: Estampa, 1999); Ana Maria S. Rodrigues, “Para uma prosopografia dos cônegos de Braga”, in *Elites e redes clientelares na Idade Média*, ed. by Filipe Themudo Barata (Évora: CIDEHUS, 2001), 141-168; Anísio Miguel de Sousa Saraiva, *A Sé de Lamego na primeira metade do século XIV (1296-1349)* (Leiria: Ed. Magno, 2003); Mário Sérgio da Silva Farelo, “O Cabido da Sé de Lisboa e os seus cônegos (1277-1377)”, 2 vols. (unpublished master's thesis, Universidade de Lisboa, 2003); Ana Maria Seabra de Almeida Rodrigues et al., *Os capitulares bracarense (1245-1374): notícias biográficas* (Lisboa: CEHR-UCP, 2005).

¹² More specifically, this is the file used by Morujão and Saraiva, “O chantre de Viseu” and “A clergyman’s career”.

The bishops

The thirteenth century in Portugal was marked by vigorous conflicts between royal and episcopal power – it was also a time when kings sought to place their own candidates as bishops and a period of growing papal interventionism in the concession of episcopal benefices¹³.

During this century, there were seven bishops in Coimbra, as shown in Table 2. The majority came from the ranks of cathedral chapters: two from Coimbra¹⁴, one from Braga¹⁵, two from the Castilian diocese of Palencia¹⁶, whilst two were transferred from the episcopal chairs of Évora and Viseu¹⁷ – although Mateus Martins, formerly bishop of Viseu, appointed by the pope to the bishopric of Coimbra, was never recognized as such either by the king or the canons, and returned to the see he occupied before. Four held their position until passing

¹³ See for instance Mário Farelo, “Les clercs étrangers au Portugal durant la période de la papauté avignonnaise: un aperçu préliminaire”, *Lusitania Sacra*, 22 (2010): 85-147 and several articles by Hermínia Vasconcelos Vilar: “No tempo de Avinhão: Afonso IV e o episcopado em meados de Trezentos”, *Lusitania Sacra*, 22 (2010): 149-168; “Les *clerici regis* et le service du roi dans le Portugal des XIII^e et XIV^e siècles”, in *Église et État, Église ou État?*, ed. by Christine Barralis et al. (Paris: Éditions de la Sorbonne, 2014), 153-158; “Episcopal appointments and royal power: theory and practice of an unwritten privilege in medieval Portugal”, *Imago Temporis – Medium Aevum*, 11 (2017): 233-254; “The «life and times» of Martinho Peres de Oliveira: from Évora to Braga”, in *Medieval Studies in Honour of Peter Linehan*, ed. by Francisco J. Hernández, Emma Falque, Rocío Sánchez Ameijeiras (Firenze: Sismeli, 2018), 323-344.

¹⁴ Pedro Soares was the chapter's dean and Domingos was a canon; see Morujão, *A Sé de Coimbra*, 118-124 and 130, respectively.

¹⁵ Egas Fafes; see below and Morujão, *A Sé de Coimbra*, 130-138.

¹⁶ Tibúrcio and Aymeric d'Ébrard; see Morujão, *A Sé de Coimbra*, 124-129 and 140-154, respectively. About the latter, see also below.

¹⁷ Pedro Martins and Mateus Martins; see Morujão, *A Sé de Coimbra*, 154-165 and 138-139, respectively. About the former, see also Vilar, *As dimensões*, 61-66, and Leontina Ventura, João da Cunha Matos, “O testamento de D. Pedro Martins, bispo de Coimbra, e as suas relações de parentesco com a aristocracia medieval coimbrã”, *Lusitania Sacra* 39 (janeiro-junho 2019): 177-213. About the latter, see Mário Farelo, “O episcopado após 1147”, in *História da diocese de Viseu*, ed. by José Pedro Paiva, vol. 1 (Viseu: Diocese de Viseu / Imprensa da Universidade de Coimbra, 2016), 200-203.

on¹⁸; one was deposed – Pedro Soares, the first bishop of the century¹⁹ – another, Egas Fafes, became archbishop of Compostela²⁰.

Pedro Soares	1192/07 – 1232/05
Tibúrcio	1234/08 – †1246/11/21 or 22
Domingos	1247/02/02 – 1247/04
Egas Fafes	1247/05 – 1267/12/18
Mateus Martins	1268/07/31 – 1279/01/13
Aymeric d'Ébrard	1279/01/09 – †1295/12/04
Pedro Martins	1296/08/09 – †1301/11/03

Table 2. Bishops of Coimbra during the thirteenth century (adapted from Morujão, *A Sé de Coimbra*, 80-81).

Reliable information regarding social standing and lineage only exists for three bishops: Egas Fafes, Aymeric d'Ébrard and Pedro Martins. It is not by chance that they all belong to the second half of the century or, in Fafes's case, the middle: data is much more abundant after 1250.

Bishop Egas belonged to the ancient noble family of Lanhoso, from northern Portugal²¹, and during the first half of the thirteenth century the lineage was trying to recuperate their venerable prestige. One strategy employed was the placement of certain family members in ecclesiastical positions – and likewise the king's service. Egas began his career in Braga, his region of familial origin, studying Law at the university. He left a number of important manuscripts on this subject to the chapter so that family members who were canons could utilize

¹⁸ Tibúrcio, Domingos, Aymeric d'Ébrard and Pedro Martins; see above, notes 14, 16 and 17; for the last two, see also below.

¹⁹ See note 14 and below.

²⁰ See note 15 and below.

²¹ About his family see Leontina Ventura, "A nobreza de corte de Afonso III", vol. 2 (PhD thesis, University of Coimbra, 1992, 750-755), and José Augusto de Sotto Mayor Pizarro, *Linbagens medievais portuguesas. Genealogias e estratégias (1279-1325)*, vol. 2 (Porto: Centro de Estudos de Genealogia, Heráldica e História da Família da Universidade Moderna, 1999), 119-138.

them whilst they themselves studied²². He became a canon and later an archdeacon in the cathedral of Braga²³, then moved to Coimbra where he was bishop for 20 years, until his final transfer to Compostela; however, he did not actually occupy that see, having died in Montpellier on his journey from Rome to Galicia to take that role²⁴.

Aymeric d'Ébrard also belonged to the nobility, but, in his case, local gentry whose wealth was centred on the small village of Saint-Sulpice in the French region of Quercy²⁵. His family provides a good example of the possibilities of social climbing opened by ecclesiastical positions, which were multiplied for families from the southern regions of France by the papacy's settlement in Avignon, especially for those, like the Ébrard, who came from the diocese of Cahors, from where came Pope John XXII's family. This pope surrounded himself with relatives and fellow countrymen, to whom he granted numerous benefices, both in France and in other countries²⁶. However, the arrival of Aymeric to the See of Coimbra preceded that pope, being a direct appointment by Nicolas III – explained by the presence of Aymeric's relatives in the French secular clergy's hierarchy and the knowledge Aymeric had of the Iberian microcosm, obtained as an archdeacon in Palencia. It is also possible, although an estimation without direct evidence, that Aymeric had been an apostolic collector, as two of his nephews were. He had a long episcopate in Coimbra, lasting 18 years, and whilst clearly present in the diocese, he also

²² Morujão, *Testamenta*, doc. 2.28, 299-316, and Morujão and Saraiva, "O chantre de Viseu", 94.

²³ For his career in Braga see Ana Maria Rodrigues et al., *Os capitulares bracarense (1245-1374): notícias biográficas* (Lisboa: CEHR, 2005), 93.

²⁴ See above note 15.

²⁵ See note 16 and Pierre David, *Français du Midi dans les évêchés portugais (1279-1390)* (Coimbra: Coimbra Editora, 1944); Gérard Pradalié, "Quercynois et autres méridionaux au Portugal à la fin du XIII^e et au XIV^e siècle: l'exemple de l'Église de Coïmbre", *Annales du Midi. Revue archéologique, historique et philologique de la France méridionale*, 94 (1982): 369-386; Morujão, "La famille d'Ébrard"; Farel, "Les clerics étrangers".

²⁶ On John XXII, see Colloque de Fanjeaux, *Jean XXII et le Midi* (Toulouse: Privat, 2012).

managed to frequently visit his homeland, where he decided to eventually be buried²⁷.

Pedro Martins, his successor, was not a nobleman – instead coming from the mercantile oligarchy of Coimbra – but was also looking for social advancement through the service of the king and entry into the clergy²⁸. His brother was a wealthy merchant, whose son-in-law had the same trade, and two of his nieces were nuns in the Cistercian monastery of Celas²⁹. Pedro studied Medicine and was King Afonso III's physician, and later became King Dinis's chancellor. He was a canon in Coimbra's chapter, then a candidate for Lisbon's episcopate; not having obtained this See, he was elected for Évora, and transferred afterwards to Coimbra, where he remained until his death five years later.

These three bishops had relatives in the chapter of Coimbra and/or in other ecclesiastical institutions. Nepotism was widespread at the time, and seeking to benefit from those who shared the same blood was normalised³⁰. A relative in a desirable position within the Church would naturally open doors for other family members, for instance to nephews, who progressed in the capitular hierarchy thanks to their influence. Egas Fafes was the uncle of a dean, an archdeacon and two canons of Coimbra, and his illegitimate son was

²⁷ His tomb with recumbent statue remains at the monastery of Val Paradis, in Espagnac Sainte-Eulalie, which he had protected; see Morujão, *A Sé de Coimbra*, 144-145.

²⁸ See above, note 17.

²⁹ About this monastery and these nuns, see Maria do Rosário Barbosa Morujão, *Um mosteiro cisterciense feminino: Santa Maria de Celas (séculos XIII a XV)* (Coimbra: BGUC, 2001), 38, 146-147, 154, and Luís Miguel Malva de Jesus Rêpas, "Esposas de Cristo. As comunidades cistercienses femininas na Idade Média" (PhD thesis, University of Coimbra, 2021), vol. 1, 333-336.

³⁰ About nepotism in medieval Portuguese Church, see Maria Antonieta Moreira da Costa, "Nepotismo e poder na arquidiocese de Braga: 1245-1374". *Lusitania Sacra* 17 (2005): 117-140; Mário Farelo, "A quem são teúdos os barões e sages cônegos? Perspectivas sobre as redes de solidariedade no cabido da Sé de Lisboa: 1277-1377", *Lusitania Sacra* 17 (2005): 141-182; Anísio Miguel de Sousa Saraiva, "Nepotism, illegitimacy and papal protection in the construction of a career: Rodrigo Pires de Oliveira, Bishop of Lamego (1311-1330†)", *e-Journal of Portuguese History* 6, n.º 1 (Summer 2008), https://digitalis.uc.pt/pt-pt/artigo/nepotism_illegitimacy_and_papal_protection_construction_career_rodrigo_pires_de_oliveira.

a canon in Braga; half a century later there were still relatives of his in the chapter of Coimbra³¹. Aymeric brought a vast group of relatives from France, both close and distant, who, during the following decades, completely dominated the clerical benefices in Coimbra – especially those of the cathedral, but also in the main collegiates of the city; moreover, two of his nephews made their career in the chapter and were later bishops of the diocese themselves during the first half of the fourteenth century³². This French predominance was difficult to accept for the Portuguese clerics, and there were inevitable conflicts³³. As for Pedro Martins, two of his nephews were canons in Coimbra, a third at Lisbon’s cathedral, and another was prior at the (rich) collegiate of Santa Maria da Alcáçova of Santarém³⁴. Of the remaining bishops, there is only extant information about Pedro Soares – who also had family members in the chapter³⁵.

As can be seen, family ties abound, mostly between uncles protecting nephews, as well as examples of bishops who were at the king’s service and who were thus protected in accessing the episcopal chair. Several careers were made within cathedral chapters, in Coimbra or another diocese, given that mobility existed between sees. This was more frequent between Portuguese dioceses but also happened abroad, especially with Castile, as would be expected given the geographical proximity. Several ecclesiastics went through a *cursum honorum* from simple canons to the most important dignities, such as the deanery. At that time, the role of the bishop of Coimbra was almost always the culmination of a career, with few who held this role not remaining there until their passing³⁶. As can be seen from the studies already

³¹ See above, notes 15 and 21.

³² See above, notes 16 and 25.

³³ See Pradalié, “Quercynois”, 379-380 and Morujão, “La famille d’Ébrard”, 85-87.

³⁴ See above, note 17.

³⁵ See above, note 14.

³⁶ This would not be the case in the following century, when Coimbra lost importance and was, more often than not, a ‘passage’ diocese; see Morujão, “Bispos”, 541-542.

carried out in this regard, the reality of other Portuguese dioceses was no different³⁷.

The dignities

The chapters had a certain number of canons, some of whom performed specific functions, the ‘dignities’, who occupied the top of the capitular hierarchy. In Coimbra, the number of dignities was fixed in the statutes granted by the papal legate, Cardinal Jean of Abbeville, in the late 1220s³⁸. At that time, they numbered eight, and were structured in descending order of importance as so: a dean, a cantor, a scholaster, a treasurer and four archdeacons, corresponding to the four areas into which the diocese was divided (Coimbra, Penela, Vouga and Seia)³⁹. Across other Portuguese dioceses, the organization of chapters was broadly similar – they all had a dean, a cantor, and a treasurer, but, for instance, the scholaster was not a dignity in Évora until the fourteenth century⁴⁰, and in Lamego neither the scholaster nor the archdeacons were dignities before the fifteenth century⁴¹. In Braga, the dean usually accumulated an archdeaconry⁴² and, in Lisbon, there was a chancellor during the first half of the thirteenth century, a role that vanished henceforth, and only two archdeacons until the fifteenth century⁴³.

³⁷ See the bibliography mentioned in note 30, as well as Hermínia Vasconcelos Vilar, “Episcopal appointments and royal power: theory and practice on an unwritten privilege in medieval Portugal”, *Imago Temporis. Medium Aevum* 11 (2017): 233-254.

³⁸ About the chapter’s evolution and its composition during the thirteenth century, see Morujão, *A Sé de Coimbra*, 205-210.

³⁹ For the geography of the archdeaconries, see Morujão, *A Sé de Coimbra*, 65-72.

⁴⁰ Vilar, *As dimensões*, 156-157.

⁴¹ Saraiva, *A Sé de Lamego*, 111.

⁴² Maria Cristina Almeida e Cunha, *A chancelaria arquiépiscopal de Braga (1071-1244)* (Noia: Toxosouto, 2005), 94-97; Maria Justiniana Pinheiro Maciel Lima, *O cabido de Braga no tempo de D. Dinis (1278-1325)* (Cascais: Patrimonia, 2003), 154.

⁴³ Farelo, “O cabido”, 15-16.

Throughout the thirteenth century, there were five deans, nine cantors, three scholasters, fourteen treasurers and twenty-one archdeacons, as shown in the tables 3 to 7.

Gonçalo Dias	1193/05 – †1201/02/21
Julião Juliães	1205/01 – †1262/06/29
Estêvão Moniz	1264/03/22 – †1285/09/10
Fernão Soares	1285/11/07 – †1292/12/18
Raymond d'Ébrard	1293/02/16 – 1318/06/17

Table 3. Deans of the cathedral of Coimbra during the thirteenth century (*apud* Morujão, *A Sé de Coimbra*, 210-218).

Paio Gonçalves	[1200] – †[1206]/11/15
Martim Pais	1207/06 – †1223/01/05
João Eanes	1223/06/23 – †1236/10/06
Martim de Sousa	1230/03
Pedro Rodrigues	1239/09 – 1257/01/08
Pedro Pais	1257/06 – †1263/12/08
Gonçalo Gonçalves	1264/03/22 – 1282/04/14
Guillaume of Goudou	1285/01/12 – 1291/07/07
Pedro Martins	1293/09/03 – †1322/07/20

Table 4. Cantors of the cathedral of Coimbra during the thirteenth century (*apud* Morujão, *A Sé de Coimbra*, 219-223).

Pedro	1193/05 – 1223/06/23
Pedro Martins	1229/05 – †1281/03/10
João Peres	1283/01/08 – †1301/11/16

Table 5. Scholasters of the cathedral of Coimbra during the thirteenth century (*apud* Morujão, *A Sé de Coimbra*, 223-226).

João Salvado / Salvador	1183/03/19 – 1210/03/17
Pedro Rodrigues	1223/04 – 1236/07/03
J. Peres	1243/07
João Domingues	1244/06/30 – 1244/07/01
Pedro Gonçalves	1248/08/30
João Martins	1249/06 – 1254
P.	1257/01/08
Estêvão Moniz	1258/11 – 1262/09
Gil Juliães	–
Fernão Soares	1268/03/08 – 1277/07/21
Domingos Martins	1279/ 07/15
Fernão Soares	1283/03/29 – 1285/03/03
Raymond d'Ébrard	1291/11/06
Gonçalo Mendes	1293/09 – 1310/07/25

Table 6. Treasurers of the cathedral of Coimbra during the thirteenth century (*apud* Morujão, *A Sé de Coimbra*, 226-232).

Mendo Martins	Coimbra	1192/07 – 1222/02
Martim Martins	–	1200/04 – 1223/10
João Vicente	–	1227/10/07
Gonçalo de <i>Porzeli</i>	Seia	1229/04/06 – 1230/02
João <i>Sendini</i>	Coimbra	1229/08 – 1229/10
João Martins	Seia	1230/03 – 1239/08
Paio Álvares	–	1230/03 – 1239/08
Pedro Peres	–	1231/08 – 1234/08/02
J.	Vouga	1232/06/25
Domingos Eanes <i>Rabies</i>	Penela	[before1235/04]
Pedro Gonçalves	Coimbra	1242/06 – 1245/03
Vicente	Penela	1251/08
Gonçalo <i>Facundi</i>	Seia	1255/05/18 – 1270/02/14
João de Galiano	Coimbra	1262/02/23 – 1263/04/10
João Vicente	Penela	1264/12/30 – 1290/10/24
Martim Viegas	Vouga	1268/03/08 – 1270/09/06
Pascoal Nunes	Seia	1281/03/07 – 1290/06/27
João António	Vouga	1287/11 – 1298/03/13
Bernardo	–	1291/03/23
Pedro Garcia	Coimbra	[before 1294/05/15]
Fernão Garcia	Penela	1299/12/22 – 1321/02

Table 7. Archdeacons of the cathedral of Coimbra during the thirteenth century (*apud* Morujão, *A Sé de Coimbra*, 232-242).

Some dignities were occupied, as a rule, for life, others spanning several decades; some, however, served above all as steps in climbing to higher benefices, and were thus occupied for only a few years, which, to a large extent, explains the variation in the numbers presented. These figures allow an estimation that the longest service in office was attained by scholasters and deans, with the dignity of treasurer being less permanent, serving as a step to more prestigious benefices. The significantly greater number of archdeacons is due to the fact there were four simultaneously.

In most cases, information has not survived regarding the familial placement of dignitaries. When this does exist, it shows a broadly similar vista to that which was seen in terms of bishops: family ties between various clerics – mostly, once more, uncles nurturing nephews – and between these clerics and holders of offices with the king, namely chancellors. In addition, we also find several cases in which the dignitaries themselves belonged to the closest circle of royalty and government of the kingdom, and there was further the possibility of mobility between dioceses. Moreover, the possibility of accumulating benefices can also be added to these prior features.

In this regard, the first deans of the century are very good examples: Gonçalo Dias and Julião Juliães were uncle and nephew, respectively brother and son of the famous royal chancellor Julião Pais, who served three kings⁴⁴; the last dean of this period, Raymond d'Ébrard, was one of Aymeric's nephews, who ascended from canon to treasurer, dean, and finally bishop⁴⁵; Guillaume of Goudou was also a relative of Bishop Aymeric, who, after being cantor in Coimbra was a papal

⁴⁴ About them, see Morujão, *A Sé de Coimbra*, 215. About Julião Juliães, see also Armando José Gomes do Norte, "Letrados e cultura letrada (séculos XII-XIII)", unpublished doctoral thesis. Universidade de Lisboa, 2013, vol. 2, 179-181 and, about Julião Pais, 181-183; about this royal chancellor, see also Ingo Fleisch, "Kirche, Königtum und gelehrtes Recht im hochmittelalterlichen Portugal", unpublished master's thesis, Universität Bamberg, 1998, 70-74, and Maria João Branco, "Poder real e eclesiástico. A evolução do conceito de soberania régia e a sua relação com a praxis política de Sancho I e Afonso II", unpublished doctoral thesis, Universidade Aberta de Lisboa, 1999, vol. 1, 206-211.

⁴⁵ Morujão, "La famille", 81, 85, and Farelo, "Les clerics étrangers", 144.

chaplain, general vicar of Sicily and archbishop of Salerno⁴⁶. Another cantor, Gonçalo Gonçalves, accumulated both chantries of Coimbra and Porto⁴⁷. Pedro Martins, nephew of Bishop Pedro Soares, was scholaster for more than half a century⁴⁸; his successor João Peres was not only scholaster for the last decades of the century, but also the rector of a parish church, and had a nephew who was a portioner of the cathedral's chapter⁴⁹. It is also worth mentioning Pedro Gonçalves, whose career alternated between the cathedrals of Coimbra and Viseu, starting as a canon of the former, later becoming cantor of the latter; afterwards he became archdeacon and then treasurer in Coimbra, finally ending his days as bishop of Viseu⁵⁰. Lastly, analysing archdeacons, Martim Viegas, who was a nephew of Bishop Egas Fafes⁵¹, and Pascoal Nunes, who had connections with the mercantile milieu of Coimbra, being the brother-in-law of a merchant⁵², are both worth noting.

Another important element is the educative level of these clerics, which can be assessed through three main indicators: the title of *magister* associated with their name, the exercise of judicial functions, and the possession of books on subjects studied at higher levels of education⁵³. Table 8 presents the numbers and percentage of scholars, compared to the total number of ecclesiastics in each category.

⁴⁶ Morujão, "La famille", 83, and Farelo, "Les clerics étrangers", 125.

⁴⁷ Morujão, *A Sé de Coimbra*, 221.

⁴⁸ Morujão, *A Sé de Coimbra*, 225-226.

⁴⁹ Morujão, *A Sé de Coimbra*, 226.

⁵⁰ Morujão, *A Sé de Coimbra*, 230, 239, and Farelo, "O episcopado", 199-200.

⁵¹ Morujão, *A Sé de Coimbra*, 240.

⁵² Morujão, *A Sé de Coimbra*, 240-241.

⁵³ About these indicators, see Norte, "Letrados", vol. 1, 48-52.

Bishops	5	71%
Deans	3	60%
Cantors	5	56%
Scholasters	1	33%
Treasurers	5	36%
Archdeacons	7	33%

Table 8 – Number and percentage of clerics with higher education (*apud* Morujão, *A Sé de Coimbra*).

This percentage is especially high in the most prominent ranks, among bishops, deans, and cantors; it is lower in the other dignities, possibly due to the lack of extant information. However, it clearly shows the importance of studies to progress in the chapter's hierarchy and to be able to reach higher benefices, such as those awarded at the episcopal level.

Canons

Moving attention to the canons of the cathedral – the members of its chapter who did not perform any specific singular function – it should be noted that their number is not defined in the sources that have survived but can be estimated at approximately 25. This in itself forms a rather considerable community – by comparison, a similar educated guess points to around 30 individuals in Braga and Lisbon; furthermore, the other Portuguese cathedral chapters with extant information did not exceed twenty canons⁵⁴.

When referring to the bishops and dignities, mention has already been made of some of the canons of Coimbra. Their prosopographic files are still being studied and expanded upon; as such, a brief overview regarding some of those about whom information exists, namely within wills, will be given.

⁵⁴ See Morujão, *A Sé de Coimbra*, 245, where all these figures are presented.

As shown, the aegis of a member of the chapter or a bishop could be determinant for a cleric to become a canon, and indeed this guardianship was often granted to family members, but was not exclusively so: there were also clientele networks and the influence of the king, who rewarded those who served (or were close to) him with ecclesiastical positions, namely by entering them in to the cathedral chapters.

Bishop Domingos, who, as seen, was at the head of the diocese for a mere couple of months in 1247 – during the civil war for the Portuguese throne – had been a canon of the cathedral's chapter. Of the remaining thirteenth century bishops, Pedro Martins also began his journey as a canon in the chapter of Coimbra, and had his career granted, as demonstrated, by his proximity to the kings. His two nephews, as mentioned, were likewise canons in Coimbra, whose entry into the chapter he certainly supported. Again, there is the example of Pedro Gonçalves, starting as a canon of Coimbra and later becoming bishop of Viseu, and in a similar manner, there is the case of the French clerics nurtured by Aymeric d'Ébrard and his relatives, who entered the chapter and made their career from there.

Another cleric whose long and prosperous career began with a prebend in Coimbra's cathedral chapter during the thirteenth century was João Martins de Soalhães, an illegitimate son of a noble family, nonetheless supported by his uncle, the archbishop of Braga⁵⁵. He began his ecclesiastical life as a canon in Coimbra, studied law, became the bishop's vicar, and was one of the king's representatives to the pope in the negotiations that put an end to the serious conflict with the hierarchy of the Church that king Denis had inherited from his father, Afonso III. Later, João Martins became the Bishop of Lisbon and, as allowed by such longevity as his, finally passed away whilst serving as Archbishop of Braga.

⁵⁵ Maria Justiniana Pinheiro Maciel Lima, "João Martins de Soalhães (1294-1313)", in *Bispos e arcebispos de Lisboa*, ed. by João Luís Inglês Fontes (Lisboa: Livros Horizonte, 2018), 237-245.

These were canons who had, as a commonality, an ascendant journey to the episcopate – and they were a minority. The majority simply remained within the chapter without even becoming dignities. Some of them started out as portioners, which meant they only received a fraction of a prebend. There were canons who stood out for their knowledge of Law, which allowed them to become judges; a certain *master* Gonçalo, who studied Medicine became a physician for King Dinis⁵⁶; another, Vasco Afonso, had a rather unusual destiny, however: after entering the chapter as a canon, he married, raised a family and became *alcaide* (which can be translated as a rough approximation of mayor) of Coimbra. In his will, he chose to be buried in the Cathedral to which he had once belonged, in what can be considered as a return to the home that had welcomed him during his youth⁵⁷.

These few examples indicate that the chapter of Coimbra was no different – in terms of the way in which canons were recruited or their social sourcing and backgrounds – from the other Portuguese cathedrals whose chapters have already been studied. The patient organization and elaboration of prosopographic files should thus continue, in order to furnish a more complete knowledge of the clerics who were part of the chapter of the Cathedral of Coimbra, not only during the thirteenth century, but throughout the entire medieval period.

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⁵⁶ Coelho, Morujão, “Les testaments”, 134, and Morujão, *Testamenta*, doc. 2.46.

⁵⁷ Coelho, Morujão, “Les testaments”, 129, and Morujão, *Testamenta*, doc. 2.37.

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**THE LEGAL EXPERTISE OF THE PARISH CLERGY
IN LATE MEDIEVAL TRANSYLVANIA
(LATE FOURTEENTH TO
EARLY SIXTEENTH CENTURY)**

Adinel C. Dincă

Babeş-Bolyai University, Cluj-Napoca, Romania /
“George Bariţiu” Institute of History, Romanian Academy
ORCID: 0000-0001-5817-815X

Abstract: The intellectual agency of the parish clergy in Late Medieval Transylvania – an area now encompassing the central and western parts of Romania, but in the Middle Ages, until 1526, the easternmost province of the Hungarian Kingdom – has long been a neglected topic in local historiography, hampered in part by a passive stance towards documentary sources and an interpretative inertia. The present paper intends to discuss the role of legal education and expertise of the clergy at the parochial level and its impact on the shaping of clerical careers in the urban, legally aware, communities of the Transylvanian Saxons. As generally known, they were colonists of German origin inhabiting since the mid-twelfth century certain parts of the region mentioned above. These ‘German’ parishes from Southern and Northern Transylvania, with freely elected priests and exempted from the local diocesan control, formed churchly congregations (chapters, *capitula*) that exercised their authority in various contexts. Therefore, this research will highlight several details pertaining to Saxon clergymen from ca. 1370 to the 1530s and their

legal environment: academic education, ownership and use of specific literature, or involvement in the administration of the law.

Resumo: A ação intelectual do clero paroquial na Transilvânia tardo-medieval – uma área que abrange atualmente as partes central e ocidental da Roménia, mas que na Idade Média, até 1526, era a província mais oriental do Reino Húngaro – tem sido um tema há muito negligenciado na historiografia local, prejudicado quer pela postura passiva em relação às fontes documentais, quer pela inércia interpretativa. O presente artigo pretende discutir o papel da educação jurídica e da especialização do clero a nível paroquial e o seu impacto na formação das carreiras clericais nas comunidades urbanas, juridicamente conscientes, dos saxões da Transilvânia. Como é do conhecimento geral, tratavam-se de colonos de origem alemã que habitavam, desde meados do século XII, certas partes da região acima referida. Estas paróquias "alemãs" do Sul e do Norte da Transilvânia, com sacerdotes livremente eleitos e isentos do controlo diocesano local, formavam congregações eclesiásticas (cabidos, *capitula*) que exerciam a sua autoridade em vários contextos. Por conseguinte, esta investigação destacará vários pormenores relacionados com os clérigos saxões de ca. 1370 a 1530 e o seu ambiente jurídico: formação académica, posse e utilização de literatura específica ou envolvimento na administração da lei.

Introduction

An undated and anonymous letter from the Transylvanian city of *Sibiu* (*Hermannstadt*, in German, *Cibinium* in Latin)¹ – the adminis-

¹ The place names used throughout this paper are the current, Romanian ones, followed by their German and sometimes Latin historical equivalents; see also Hermann Fabini, *Atlas der siebenbürgisch-sächsischen Kirchenburgen und Dorfkirchen*, vol. I (Hermannstadt: Monumenta, 1998); Harald Roth (ed.), *Handbuch der historischen Stätten Siebenbürgen* (Stuttgart: Alfred Kröner Verlag, 2003).

trative centre of the Western colonists, mostly of German origin, inhabiting since the mid-twelfth century certain parts of this easternmost province of the Hungarian Kingdom² – informs the modern reader how legal advice has been informally drafted in a borderland of Medieval Latinity (see Map 1). The slightly simplified translation of the Latin note, written sometime in the fifteenth century, reads as follows: ‘in that matter, do read the glosses of Iohannes Andree, on insults and prejudices; should the masters of the chapter not be satisfied with it, then jump over the court of Sibiu and make an appeal straight to the archbishop of Esztergom’³. In an extremely concentrated manner, the unattributed text mentioned here accurately describes several key elements in the organization of the Church of the colonists (see Map 2), generally known as ‘Transylvanian Saxons’: (partially) exempted from the authority of the local Transylvanian bishop and placed under the jurisdiction of the Archdiocese of Esztergom, these ‘German’ parishes (with freely elected priests) formed churchly congregations (chapters) that exercised their authority in various contexts, including legal matters⁴. The particularly quarrel-

² Thomas Nägler, *Așezarea sașilor în Transilvania* [The Settlement of the Saxons in Transylvania] (București: Kriterion, 1992); Konrad G. Gündisch unter Mitarbeit von Mathias Beer, *Siebenbürgen und die Siebenbürger Sachsen* (München: Langen Müller, 1998); Adinel C. Dincă, “Die Siebenbürger Sachsen im Mittelalter. Höhepunkte der Gründung eines kulturellen Erbes” in *Eine europäische Erfahrung – Das historische und kulturelle Erbe der Deutschen in Rumänien*, ed. by Raluca Mălăncioiu, Oana Ilie, Cornel-Constantin Ilie (București: MNIR, 2019), 22-25.

³ Arhivele Naționale ale României, Serviciul Județean [Romanian National Archives, County Branch, hereafter SJAN] Sibiu, Magistratul orașului și scaunului Sibiu, Colecția de documente medievale, Serie U. III, no. 253; Gustav Gündisch, † Herta Gündisch, Konrad G. Gündisch, Gernot Nussbächer, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. VII (București: Ed. Acad. Rom., 1991), doc. 4379; Adinel C. Dincă, “Scrisori private din Transilvania medievală în context local și european” [Private Letters in Medieval Transylvania within the Local and European Context], *Anuarul Institutului de Istorie «George Barițiu» din Cluj-Napoca, Series Historica*, 59 (2020): 372, footnote 47.

⁴ Friedrich Teutsch, *Geschichte der ev. Kirche in Siebenbürgen. 1150-1699*, vol. I (Hermannstadt: Krafft, 1921); Georg Eduard Müller, *Die deutschen Landkapitel in Siebenbürgen und ihre Dechanten, 1192-1848. Ein rechtsgeschichtlicher Beitrag zur Geschichte der deutschen Landeskirche in Siebenbürgen* (Hermannstadt: Archiv des Vereins für Siebenbürgische Landeskunde, 1934-1936).

some parish communities and their spiritual shepherds⁵ generated not only a surprisingly vivid judicial activity of the local secular and churchly administration and a frequent appeal to the higher authorities of the Hungarian archbishop or of the Holy See, but also draw a particular attention to those members of the secular clergy who had received university-level legal training.



Map 1. The Voivodship of Transylvania and Central Europe around 1500
 [© Andrei Nacu].

It is therefore the purpose of this paper to investigate a specific aspect, involving the intellectual agency of the parish church in Late Medieval Transylvania⁶, more exactly, the role of the legal education

⁵ A general overview, focused rather on the Lutheran period, in Richard Schuller, *Der siebenbürgisch-sächsische Pfarrer: eine Kulturgeschichte* (Wien-Köln-Weimar: Böhlau, 2003).

⁶ The Voivodship of Transylvania, now encompassing the central and western parts of Romania, was in the Middle Ages, until 1526, the Easternmost province of the Hungarian Kingdom, inhabited by Eastern-rite Christians (Romanians or Vlachs) together with Hungarian-speaking (including Szeklers) and German-speaking members of the Latin Church, who later adopted the Reformed (Lutheran, Calvinist, e.a.) confessions, see Pál Engel, *The Realm of St Stephen: A History of Medieval Hungary*

and expertise of the clergy at the parochial level and the impact of this form of ‘savoir utile’⁷ both in the existence of the local, legally aware, community, and in the shaping of clerical careers. The projected study (refined through suggestions and comments of the attendees at the Coimbra conference⁸) will analyse sequences of parish priests who served in the most important Transylvanian urban and rural settlements from ca. 1370s to the 1530s, highlighting legal details (such as education, ownership and use of legal literature, or involvement in legal procedures and activities), discussing them in their specific local, or more general contexts. Exploratory rather than a conclusive contribution, this survey will focus on the conceptual understanding of the breadth and applications of the legal education received by Transylvanian parish priests.

This early stage of the research reveals a certain predisposition of important and rich settlements for choosing and promoting highly trained legal experts as their *plebani*, just as much as a university degree in law was a strong premise in a successful churchly career. Around 1500 a doctoral title in Canon and/or in Civil Law becomes a clear label for social and professional success, a keystone in the

895-1526, (London; New York: I. B. Tauris, 2001); Ioan-Aurel Pop, Thomas Nägler, *The History of Transylvania (until 1541)* (Cluj-Napoca: Center for Transylvanian Studies, 2005); Nora Berend, Przemyslaw Urbanczyk, Przemyslaw Wiszewski, *Central Europe in the High Middle Ages: Bohemia, Hungary and Poland c. 900 – c. 1300* (Cambridge: Cambridge University Press, 2013).

⁷ Jacques Verger, *Men of Learning in Europe at the End of the Middle Ages* (Notre Dame, Ind.: University of Notre Dame Press, 2000), especially the chapters ‘Social Utility or General Culture?’ and ‘The Social Scope of Knowledge: Challenge or Inclusion?’. See also Helmut G. Walther, “Learned Jurists and their Profit for Society – Some Aspects of the Development of Legal Studies at Italian and German Universities in the Late Middle Ages”, in *Universities and Schooling in Medieval Society*, ed. by William J. Courtenay, Jürgen Miethke, David B. Priest, (Leiden-Boston: Brill, 2000), 100-126.

⁸ International conference *Urban Parish Communities in Medieval Europe, 1049-1545* organized by CHSC – University of Coimbra, IEM – NOVA University of Lisbon & CITCEM – University of Porto, December 2-4, 2021, Coimbra, Portugal. I would also like to express my gratitude towards the anonymus reviewers who read and commented upon an earlier draft of this text.

strategy of the families that formed the urban elite in Transylvania of that time⁹.

The parish environment presents itself accordingly, especially in towns¹⁰, as expression of intellectual mobility, linking cultural and spiritual centres (papacy and universities) to peripheries, contributing to the forging of a unified Latin cultural landscape before the Protestant Reformation. Yet, what sets apart the German cultural space in Transylvania is a cosmopolitan behaviour of the secular clergy, mostly in those market towns and villages situated at the outskirts of the regional urban centres. This typical conduct had several causes: first of all, the large majority of parochial clergymen were descendants of middle class urban families, educated abroad, who sought to settle close to their hometowns; while the regional capitals could absorb only a reduced number of candidates within their ecclesiastical structures, the countryside – with its parochial churches acting as strategic military bulwarks against Ottoman raids and communal storage houses for food supplies – offered a viable alternative, and was certainly a prerequisite stage for a successful career. Rural parish priests, preachers, chaplains, altar rectors, and other clerics in wait for an urban position carried out constructive initiatives, acted as patrons of art, composed, collected, and transferred written texts, or subsidized the education of young students. The complex Transylvanian

⁹ Konrad G. Gündisch, *Das Patriziat siebenbürgischer Städte im Mittelalter* (Wien-Köln-Weimar: Böhlau, 1993); Konrad G. Gündisch, “Educație universitară și ascensiune socială în Transilvania Evului Mediu târziu” [University Education and Social Ascension in Late Medieval Transylvania], *Anuarul Institutului de Istorie «George Barițiu». Series Historica*, Supplement, 54 (2015): 199-206. A topic further discussed in Adinel C. Dincă, “«Utrumque ius» nella Transilvania tardo medievale. Una prospettiva tridimensionale sulla genesi di una mentalità giuridica”, in *Tradizioni e istituzioni religiose nello spazio culturale italo-romeno tra Medioevo e prima età moderna (Atti delle Giornate di Studio «Rosa del Conte», Università Cattolica del sacro Cuore, Milano, 24-25 ottobre 2019)*, ed. by Alvise Andreose, Massimo Miglio, Iulian Damian, Antonella Dejure, Christian Grasso, (Roma: Istituto Storico Italiano per il Medio Evo, 2022), 107-128.

¹⁰ The close relationship between secular literacy and the ecclesiastical environment in Transylvania is highlighted by Adinel C. Dincă, “Urban Literacy in Medieval Transylvania” in *Between Public and Private: Writing Praxis in Transylvania during the 13th-17th Centuries*, ed. by Susana Andea, (Cluj-Napoca: Argonaut, 2016), 71-186.

periphery can thus make a compelling subject for comparison with the development of other regions situated at the margins of the Latin medieval world, like the Western confines of the continent or the Northern realms of the Scandinavian Peninsula¹¹ to ascertain whether the academic paths and literary preferences of parish priests in Transylvania were completely consistent with those of their brethren in other parts of Europe.



Map 2. Ecclesiastical organisation of the Transylvanian Saxons, fifteenth century [© Andrei Nacu].

State-of-the-art

Over the last century, the history of the reception of the reception of legal literacy in the South-Eastern corner of the continent (i.e., Hungary) has

¹¹ See Anna Adamska, “Intersections: Medieval East Central Europe from the Perspective of Literacy and Communication”, in *Medieval East Central Europe in a Comparative Perspective: From Frontier Zones to Lands in Focus*, ed. by Gerhard Jaritz and Katalin Szende, (London: Routledge, 2016), 225-238.

scrutinized canon¹², Roman¹³, and customary law¹⁴, with similar concern for the blending of civil, canon and feudal law in what was called *ius commune*¹⁵. Closely related topics were discussed in the field of medieval textual production¹⁶, or university history¹⁷, with a general conclusion that, due to the Hungarian judiciary system based on the customary law which could be acquired by practitioners without a university degree, there was a rather limited need for superior legal education. Such valuable studies have only marginally included the Transylvanian material, neither have they taken a closer look at the historical contexts surrounding the surviving sources, as has been internationally done for Erfurt¹⁸, or Leipzig¹⁹. A special mention is reserved in this brief overview to the activity of the ‘Fraknoy research group’ from Budapest²⁰, which has published extensively

¹² Péter Erdő, “Der Stand der kanonistischen Forschung in Ungarn”, *Zeitschrift der Savigny-Stiftung für Rechtsgeschichte, Kanonistische Abteilung* 80 (1994): 451-463.

¹³ György Bónis, “La pénétration du droit romain dans les pays slaves et hongrois”, *Recueils de la Société Jean Bodin pour l’histoire comparative des institutions* 25 (1967): 77-86.

¹⁴ Martyn Rady, *Customary Law in Hungary. Courts, Texts, and the Tripartitum*, (Oxford: Oxford University Press, 2015).

¹⁵ Gábor Béli, e.a. (eds.), *Institutions of Legal History with Special Regard to the Legal Culture and History*, (Pécs: Faculty of Law University of Pécs, 2011); Mia Korpiola, “Customary Law and the Influence of the ‘Ius commune’ in High- and Late-Medieval East Central Europe” in *The Oxford Handbook of European Legal History*, ed. by Heikki Pihlajamäki, Markus D. Dubber, Mark Godfrey, (Oxford: Oxford University Press, 2018), 427.

¹⁶ Kinga Körmendy, “Kanonistische Handschriften aus dem Bestand vor 1543 der Kathedralbibliothek Esztergom (Gran) und zwei Belege für das Pecien-System im Rahmen des universitären Unterrichtes in der Österreichischen Nationalbibliothek” in *Proceedings of the Thirteenth International Congress of Medieval Canon Law: Esztergom, 3-8 August 2008*, ed. by Péter Erdő, Szabolcs Anzelm Szuromi, (Città del Vaticano: BAV, 2010), 699-706.

¹⁷ Andor Csizmadia (ed.), *A 600 éves jogi felsőoktatás történetéből 1367-1967* [From the 600 Years History of Legal Higher Education 1367-1967], (Pécs: Pécsi Tudományegyetem Állam- és Jogtudományi Kara, 1968).

¹⁸ Robert Gramsch, *Erfurter Juristen im Spätmittelalter: die Karrieremuster und Tätigkeitsfelder einer gelehrten Elite des 14. und 15. Jahrhunderts* (Leiden: Brill, 2003).

¹⁹ Marek Wejwoda, *Die Leipziger Juristenfakultät im 15. Jahrhundert vergleichende Studien zu Institution und Personal, fachlichem Profil und gesellschaftlicher Wirksamkeit* (Stuttgart: Steiner, 2012).

²⁰ <https://institutumfraknoi.hu/kiadvanyok/cvh> [consulted on 13.10.2021].

medieval papal letters, offering thus a better understanding of the juridical connections between the Holy See and the Hungarian kingdom.

Transylvania's legal culture is closely related to the Western colonists – of Walloon, Flemish, German origin – generally called by the historical sources *hospites Theutonici* or *Saxones*, who settled in the mid-twelfth century in the provinces of Sibiu/Hermannstadt, Țara Bârsei/Burzenland – both geographically located in the south and in the south-eastern parts of Transylvania – and Bistrița/Bistritz, in the central part²¹. The peaceful establishment of diverse groups at the invitation of the Hungarian kings generated privileged pockets of population with a special juridical status, granted exceptionally by the royal authority. More than any other ethnical groups inhabiting the province, the Transylvanian Saxons were promoters of urban-type development, mostly due to their awareness and experience with the set of Central European (German-Flemish) privileges known as the 'Magdeburg rights'²² and their close commercial ties with German and Austrian towns²³. So far, the few and isolated studies dedicated to the legal history of Transylvania before the 1550s – carried out

²¹ Harald Zimmermann, "Hospites Theutonici. Rechtsprobleme der deutschen Südostsiedlung", in *Siebenbürgen und seine Hospites Theutonici. Vorträge und Forschungen zur Südostdeutschen Geschichte. Festgabe zum 70. Geburtstag*, ed. by Konrad G. Gündisch, (Wien-Köln-Weimar: Böhlau, 1996), 46-68; Piotr Gorecki, "The Historiography of the So-Called East Colonisation and the Current State of Research", in *The Man of Many Devices, Who Wandered Full Many Ways... Festschrift in Honour of János M. Bak*, ed. by Balázs Nagy, Marcell Sebök, (Budapest: CEU Press, 1999), 654-667.

²² Katalin Szende, "Iure Theutonico? German Settlers and Legal Frameworks for Immigration to Hungary in an East-Central European Perspective", *Journal of Medieval History* 45, no. 3 (2019): 360-379, who specifically underlines that in some East and South-East European colonization regions *ius Theutonicum Magdeburgense* was not a specifically urban model, but an adapted and symbolic model for re-organisation of settlements. See also Katalin Gönczi, "Der Transfer des sächsisch-magdeburgischen Rechts in das Königreich Ungarn", in *Kulturelle Vernetzung in Europa. Das Magdeburger Recht und seine Städte. Wissenschaftlicher Begleitband zur Ausstellung «Faszination Stadt»*, ed. by Gabriele Köster, Christina Link, Heiner Lück, (Dresden: Sandstein Verlag, 2018), 115-125.

²³ Katalin Szende, "Towns Along the Way. Changing Patterns of Long-Distance Trade and the Urban Network of Medieval Hungary", in *Towns and Communication*, vol. 2: *Communication Between Towns*, ed. by Hubert Houben and Kristjan Toomaspoeg (Lecce: Mario Congedo, 2011), 161-225.

mainly by the local German jurists around 1900²⁴ – have overlooked entirely the contribution of the parish environment in colonization areas, in urban or rural communities alike. The only recent study dedicated to the legal urban setting in Transylvania²⁵ offers a limited summary of the previous research and ignores any direct contact with the original sources. One must not overlook the valuable (but severely outdated) contributions of local scholars, both in terms of university education²⁶, and the office of the notary public²⁷. The evaluation of the current scholarship mirrors a striking gap between the refined and research-based international output and the outdated, limited, and repetitive textuality concerning the juridical texts and contexts from late medieval Transylvania.

²⁴ Such as Friedrich Schuler von Libloy, *Siebenbürgische Rechtsgeschichte*, Hermannstadt, 3 vols., 1867-1868, or Georg Eduard Müller, *Die sächsische Nationsuniversität in Siebenbürgen. Ihre verfassungs- und verwaltungsrechtliche Entwicklung 1224-1876. Ein rechtsgeschichtlicher Beitrag zur Geschichte der ältesten organisierten Minderheit der Gegenwart*, Hermannstadt, 1928.

²⁵ Dirk Moldt, *Deutsche Stadtrechte im mittelalterlichen Siebenbürgen: Korporationsrechte, Sachsenspiegelrecht, Bergrecht* (Wien-Köln-Weimar: Böhlau, 2009).

²⁶ Sándor Tonk, *Erdélyiek egyetemjárása a középkorban* [University Attendance of Transylvanians in the Middle Ages] (Bukarest: Kriterion, 1979), supplemented by Anna Tüskés, *Magyarországi diákok a bécsi egyetemen 1365-1526 / Students from Hungary at the University of Vienna 1365-1526* (Budapest: Eötvös Loránd Tudományegyetem Levéltár, 2008); Péter Haraszti Szabó, Borbála Kelényi, László Szögi, *Magyarországi diákok a prágai és krakkói egyetemeken 1348-1525 / Students from Hungary at the Universities of Prague and Krakow 1348-1525*, vol. I-II (Budapest: Eötvös Loránd Tudományegyetem Levéltár, 2017); Péter Haraszti Szabó, Borbála Kelényi, *Magyarországi diákok francia, angol, itáliai és német egyetemeken a középkorban, 1100-1526 / Students from Hungary at the Universities of France, England, Italy and Germany in the Middle Ages 1100-1526* (Budapest: MTA ELTE Egyetemtörténeti Kutatócsoport, 2019).

²⁷ Sándor Tonk, "A középkori közjegyzőség Erdélyben" [The Medieval Notary Public in Transylvania], in *Művelődéstörténeti Tanulmányok* (Bukarest: Kriterion, 1980), 36-62, re-published in bilingual edition (Hungarian/Romanian) ed. by Rokolya Gábor (Budapest: Közjegyzői Akadémiai Kiadó, 2019), supplemented by Adinel C. Dincă, "Notaries Public in Late Medieval Transylvania. Prerequisites for the Reception of a Legal Institution", *Anuarul Institutului de Istorie «George Barițiu». Series Historica* Supplement 54 (2015): 33-47; Adinel C. Dincă, "Das öffentliche Notariat bei den Siebenbürger Sachsen im Mittelalter. Ein aktualisierter Überblick", *Zeitschrift für Siebenbürgische Landeskunde* 43 (2020): 77-105; Adinel C. Dincă, "Mentalità e pratica legale ai confini dell'Europa latina medievale: notai pubblici in Transilvania (XIV-XVI secoli)", *RiMe. Rivista dell'Istituto di Storia dell'Europa Mediterranea*, 9/1 (2021), special issue: *Il Notaio nella società dell'Europa mediterranea (secc. XIV-XIX). The Notary in the Mediterranean European Society (14th-19th centuries)*, ed. by Gemma T. Colesanti, Daniel Piñol, Eleni Sakellariou, 249-286.

The suggested approach could be considered a new and innovative one – because it aims to discuss the complex role played by the literacy and written communication within the parochial system of pre-modern Transylvania – if there was an established field of research that investigates systematically the institutions and traditions connected with the local parish system. This direction simply does not exist, despite all the best effort done in the last years²⁸. Even the accomplishments in this respect in the historical writing from Hungary remains far behind the results of the investigation conducted in the last decades in Poland, the Czech Republic, in the Nordic/Scandinavian states, or the impressive scholarly achievements from Germany, France, Italy, and the United Kingdom²⁹, where the birth and evolution of the parish networks have been explored systematically. The methodology taken into account follows two complementary directions: on the one hand, the integrative approach of socio-cultural anthropology that contextualizes the factors of relationship, adaptation, norm, symbolism within a given group, on the other hand *une «relecture» des sources documentaires*³⁰ with the help of palaeography, which allows a broadening of the work base by further identifying letters, drafts, concept statements, unsigned notes.

²⁸ Adinel C. Dincă, “Medieval Literacy in Transylvania. Selective Evidence from the Parish Church”, *Transylvanian Review* 24, no. 1 (2015): 109-121; Adinel C. Dincă, “The University and the Parish. The Medieval Books from Heltau/Cisnădie”, *Philobiblon: Transylvanian Journal of Multidisciplinary Research in Humanities* 24, no. 2 (2019): 337-352; Adinel C. Dincă, “Dorfkirche und Schriftlichkeit in Siebenbürgen um 1500”, in *Common Man, Society and Religion in the 16th century. Piety, morality and discipline in the Carpathian Basin / Gemeiner Mann, Gesellschaft und Religion im 16. Jahrhundert. Frömmigkeit, Moral und Sozialdisziplinierung im Karpatenbogen*, ed. by Ulrich A. Wien, (Göttingen: Vandenhoeck & Ruprecht, 2021), 39-53.

²⁹ Suffice it to mention here well-known long-term endeavours as ‘Germania sacra’, various national projects of the ‘Fasti ecclesiae’ type, or the collaborative initiative *Warwick Network for Parish Research* (<https://warwick.ac.uk/fac/arts/history/research/parishnetwork/>) [consulted on 13.10.2021].

³⁰ Anna Adamska, “L’évolution méthodologique de la diplomatique médiévale en Europe centrale”, *Bibliothèque de l’école des chartes* 160, no. 2, (2002): 535.

Acquiring knowledge

Students from the medieval Hungarian Kingdom have been the subject of several studies over the last decades, most of them based exclusively on matriculation books: the latest results estimate at about 13000 the number of students belonging to the *natio Hungarica* to have attended European universities up to 1526³¹, however the number of students of Transylvanian origin has not yet been updated accordingly: results published almost 4 decades ago³² assessed about 2500 individuals. The survey also revealed the place of origin of these students, mainly urban Saxon communities such as Sibiu/Hermannstadt, Braşov/Kronstadt, Cluj/Clausenburg, and Sighişoara/Schäßburg.

The interest towards an increased and specialized legal framework increased over time, especially during the fourteenth century, as a requirement of the evolution of German-populated urban settlements and their institutions³³, in parallel with the reforms of the Anjou dynasty and the establishment of Central European universities: Prague, Vienna and Krakow³⁴. The main local beneficiary of all these factors was the church, more precisely its basic unit, the parish, whose clerical staff was recruited from the ranks of middle and upper social classes from urban areas, where young men had access to

³¹ Borbála Kelényi, "Students from the Medieval Hungarian Kingdom at Italian Universities: Initial Stage of Research: Sources and Possibilities", in *Crossing Borders: Insights into the Cultural and Intellectual History of Transylvania (1848-1948)*, ed. by Carmen Andraş, Cornel Sigmirean, (Cluj-Napoca: Argonaut, 2016), 48; László Szögi, "On University Historiography in Hungary: An Overview of the Past 25 Years", *CIAN-Revista de Historia de las Universidades* 20, no. 1 (2017): 224.

³² Tonk, *Erdélyiek egyetemjárása*.

³³ Andrea Fara, "Consuetudine orale e tradizione scritta nella prassi giuridica delle comunità sassoni di Transilvania (secc. XII-XVI)", *Istros* 17, no. 1 (2011): 317-368; Adinel C. Dincă, "Codex Altemberger", in *Codex Altemberger. Primul cod de legi al saşilor din Sibiu*, ed. by Ginel Lazăr, (Bucureşti: MNIR, 2019), 24-50.

³⁴ Andrea Fara, "Sassoni di Transilvania nelle Università d'Europa tra XIV e XVI secolo", *Annuario dell'Istituto Romeno di Cultura e Ricerca Umanistica di Venezia* 8 (2006): 119-133.

education, mobility, and versatility in using the written word³⁵. It should be emphasized that legal studies became during the second half of the fourteenth century an important impetus for a relevant career, with the parish priests as the most visible exponents of this cultural and occupational trend. They got their training either in the Central European academic environment (the matriculation registers of the Faculty of Law in Vienna nominate about 50 enrolled Transylvanians), or in the Italian institutions of higher education. Those who returned to their native province seem to have pursued mainly ecclesiastical careers, as their names resurface in various Transylvanian settlements in religious contexts. It is important to emphasize the modest percentage of laypeople who practiced law in the province³⁶. Even public administrative offices, like town notaries and scribes³⁷, were primarily filled by clergy, and the local secular justice system also employed churchmen as advocates³⁸.

Besides matriculation books, there are also a wide range of documentary sources (charters, tax registers compiled by local ecclesiastical or secular authorities, or even by the Apostolic See, ownership notes on various books, protocols of religious administrative structures, personal records, testaments, letters, etc.) accompanied by indirect evidence (mostly epigraphic and visual/artistic: inscriptions,

³⁵ Friedrich Müller, "Gleichzeitige Aufzeichnungen von Thomas Wal, Johannes Mildt und einem Heltauer aus den Jahren 1513-1532", *Archiv des Vereins für siebenbürgische Landeskunde* 15 (1879): 45-60; Adinel C. Dincă, "Începuturile scrisului istoric în Transilvania medievală (până la mijlocul veacului al XVI-lea)" [The Beginnings of Historical Writing in Medieval Transylvania (until the mid-16th century)], in *Scris, scriitură, text în Țările Române: (secolele XV-XVIII)*, ed. by Monica Dejan, (Suceava: Ed. Karl A. Romstorfer, 2020), 137-166.

³⁶ Laymen from the lower and middle classes who couldn't afford a university degree usually acquired their literacy and legal knowledge from older, more experienced legal practitioners, and formularies, see György Bónis, "Men Learned in the Law in Medieval Hungary", *East Central Europe*, 4, part 2 (1977): 181-191.

³⁷ Dincă, "Urban Literacy in Medieval Transylvania", *passim*.

³⁸ Sigismund Jakó, "Les débuts de l'écriture dans les couches laïques de la société féodale en Transylvanie", in *Nouvelles études d'histoire. Présentées au Xe Congrès de Sciences Historiques, Rome 1955* (Bucarest: Ed. de l'Académie, 1955), 209-223. The legal professionals in the entire Kingdom of Hungary were mostly educated clergymen, see György Bónis, *A jogtudó értelmiség a Mohács előtti Magyarországon* [The Legal Elite in Hungary before Mohács] (Budapest: Akadémiai Kiadó, 1971).

personal insignia on different kind of objects, tombstones, mural or panel portraits, etc.)³⁹ that allow not only the reconstruction of names of clergymen who have occupied the position of parish priest in various Transylvanian settlements, urban or rural, but also their legal formation. Former students shared a common elite consciousness based on their higher education and on the social network established during their academic sojourns, which they underlined even in informal circumstances, as many times as the occasion arose: such is the case of an anonymous copyist (probably *Magister Vdalricus de Weyssenburga* or Ulrich Czand †1436) who records in a manuscript codex⁴⁰ his canon law licence exam, held in Vienna together with his colleague, *domino Anthonio de Septemcastris* [Transylvania] *plebano venerandi in Mülpack* [parish priest in the town of Sebeş/Mühlbach from 1408 to 1439⁴¹]. In his personal diary written on a printed almanac⁴², Thomas Wal from Sibiu/Hermannstadt wrote in 1516: *inscriptus sum in matriculam facultatis iuridice*, an information also confirmed by the university's matriculation register⁴³; upon his return home, he became parish priest in Şelimbăr/Schellenberg in 1523, a settlement situated at the outskirts of Sibiu/Hermannstadt. Furthermore, in a

³⁹ Zsolt Simon, "Financing Culture in the Middle Ages: the Transylvanian Saxon Towns' Municipalities", *Anuarul Institutului de Cercetări Socio-Umane «Gheorghe Şincai», Târgu-Mureş* 14 (2011): 255-269; Ciprian Firea, "Evidence of Patronage in Late Medieval Transylvania. Saxon Priests as Promoters of the Arts", *Annales Universitatis Apulensis. Series Historica* 16, no. 2 (2012): 149-172; Ciprian Firea, "The Parish Priests of the Saxons as Patrons of the «Arts». A contribution to an Ecclesiastical Prosopography of Medieval Transylvania", *Transylvanian Review* 21, Supplement 3 (2012): 511-532.

⁴⁰ München, Bayerische Staatsbibliothek, Clm 14280, see Friedrich Helmer unter Mitarbeit von Hermann Hauke und Elisabeth Wunderle, *Katalog der lateinischen Handschriften der Bayerischen Staatsbibliothek München. Die Handschriften aus St. Emmeram in Regensburg*, vol. 3: *Clm 14261-14400* (Wiesbaden: Harrassowitz, 2011), 70-74.

⁴¹ Kurt Mühlberger (ed.), *Die Matrikel der Wiener Rechtswissenschaftlichen Fakultät*, vol. I: *1402-1442*, (Wien-Köln-Weimar: Böhlau, 2011), 35, from 1427.

⁴² Sibiu, Brukenthal Museum Library, V. II. 618.

⁴³ Thomas Maisel, Johannes Seidl (eds.), *Die Matrikel der Wiener Rechtswissenschaftlichen Fakultät / Matricula Facultatis Juristarum Studii Viennensis*, vol. II: *1442-1557* (Wien-Köln-Weimar, Böhlau, 2016), 85.

fragment of a letter⁴⁴ penned around the second quarter of the sixteenth century and addressed to a certain parish priest, Doctor of Law, Lucas (parish priest in Biertan/Birthälm between 1522-1547 and dean of Mediaş/Mediasch Chapter) recounts a lunch meeting with *dominus doctor Petrus Cras*. Despite the informal character of the source, the parties involved in the account address each other by using the distinctive designation with reference to their social position and higher education degree.

The Transylvanian students were also supported in their academic endeavours by members of the clergy, a firm tradition⁴⁵ illustrated by the donations and testamentary legations in favour of young scholars: *Martinus de Biertan*, parish priest in *Walldorf Inferior* (a settlement near Bistrița/Bistritz, today a suburb of the city) bequeathed in 1502 his theology, canon and civil law books to the Chapel of St Michael the Archangel in Bistrița/Bistritz for the use of devoted and intellectually gifted pupils willing to achieve higher education⁴⁶, while the testament of *Mattheus* of Rupea/Reps (†c.1503), parish priest in Dealu Frumos/Schönberg, conditioned the amount of money left to his nephews by their dedication to studying⁴⁷. This context is an excellent example of how the individuals and the community – both in urban and rural settlements – understood their responsibility in creating a new generation of intellectual elite, a custom that would last over

⁴⁴ Discovered in a 1504-printed book preserved at Brukenthal Museum Library, Sibiu, v. V. 74. See also Dincă, *Scrisori private*, 377-378, 382.

⁴⁵ Ciprian Firea, “Last Wills of Transylvanian Saxon Parish Priests on the Eve of the Reformation (ca. 1500-1580). Some Thoughts about their Meaning”, in *Common Man*, ed. by Ulrich A. Wien, 191-202.

⁴⁶ SJAN Cluj, Primăria orașului Bistrița, no. 338: *cum omnibus libris meis tum sacre theologie, iuris canonici et civilis pro studere volentibus*.

⁴⁷ Budapest, Magyar Nemzeti Levéltár Országos Levéltára / Database of Archival Documents of Medieval Hungary (hereafter MNOL), DL 21091: *Item pecuniam repositam in ladula apud conventum predicatorum in Cibinio, videlicet 24 florenos in auro et in moneta pecuniaria in nepotibus meis Stephano et Andree pro studio ipsorum elgo et non ut vanitatibus consumant... Similiter et ipso Martino Iohannis dentur de eadem pecunia in pixide rubea 20 floreni, ut et ipsi ad universitatem pro studio proficiscerentur, lego*.

the next centuries, even after the German communities replaced the Latin rite with the Lutheran confession⁴⁸.

One exceptional academic path needs to be mentioned in this context: that of Martin Capinius or Kapp from Sibiu/Hermannstadt, who receives his doctoral degree in canon law in February 1505 in Bologna⁴⁹. Two months later he is a member of the Faculty of Law in Vienna and is elected dean in October the same year⁵⁰, and two more times in 1510 and 1516. Martin was in close relation to his home province, where he had been appointed to the office of parish priest in Cisnădie/Heltau⁵¹; yet his ecclesiastical path is soon abandoned for political involvement and a superior secular position as mayor of Vienna.

Reading and collecting law books

The acquiring of legal expertise by the Transylvania parish clergymen is documented not only by tracing back those who studied abroad at law schools, but also by putting together the fragments of the libraries owned in the later Middle Ages by the parish churches. *Decretum Gratiani*, *Liber extra*, *Liber sextus* or *Clementinae constitutiones*, *Codex Iustiniani*, *Speculum iudiciale* etc., together with many other important names of the medieval legal theory (among others Baldus de Ubaldis, Guido de Baysio, Iohannes Calderinus, Iohannes Andree, Iohannes Petrus Ferrariis, Franciscus de Zabarellis, Panormitanus) are available in the medieval libraries in Transylvania in

⁴⁸ SJAN Sibiu, Capitlul evanghelic C. A. Bistrița, no. 373, see Konrad G. Gündisch, Adinel C. Dincă, "Studiendarlehen für siebenbürgische Studierende im Reformationseitaler. Eine kaum bekannte Bistritzer Quelle aus den Jahren 1565-1626", *Studia Universitatis Babeş-Bolyai. Historia* 64, no. 1 (2019): 59-86.

⁴⁹ A concise biography in Haraszi Szabó, Kelényi, *Students from Hungary at the Universities of France, England, Italy and Germany in the Middle Ages*, no. 305.

⁵⁰ Maisel, Seidl (eds.), *Die Matrikel der Wiener Rechtswissenschaftlichen Fakultät* vol. II, 72.

⁵¹ Dincă, "The University and the Parish", 341-342.

considerable number, some even copied locally. A special case of parish library, preserved *in situ*, belongs to Saint Walpurgis' church in Cisnădie/Heltau (a market-town situated in the outskirts of Sibiu/Hermannstadt), which had around 1500 at least 25 books, if one takes into account the 12 manuscripts and 4 incunabula preserved locally and the other manuscripts and printed books that can now be found in various libraries from Sibiu, Cluj-Napoca (Romania), and Budapest (Hungary). About canon law, the most representative text is Ms D. 14: *Casus Legum Sive Suffragia Monachorum*, copied before 1417 most probably in Transylvania, a text originating in the Parisian university ambiance and seemingly commissioned by Martin of Cisnădie, parish priest in Sânpetru/Petersberg and former student of Canon Law in Vienna⁵². In the same library of Cisnădie, the annotations made around 1509 by *Valentinus Apoldiensis* on the blank pages of an *incunabulum*⁵³ summarise matrimonial provisions, remarks regarding the validity of testaments according to Justinian's *Institutes*, and canonical clauses of the ecclesiastical burial.

Various parish accounts, some compiled before the conversion to the Protestant Reformation (mid-sixteenth century), others after this date, contain statements regarding their book holdings: St Mary parish church in Sibiu/Hermannstadt had quite an impressive inventory⁵⁴, *Matricula Plebaniae Cibiniensis*, recording in 1442 a list of 154

⁵² *Expliciunt suffragia legum super quinque libros decretalium, empte (!) per dominum Martinum Heltnansis (!) plebanum in Petersberg, anno Domini Millesimo CCCC^o XVII^{mo}*. See Adinel C. Dincă, "«Casus legum» im spätmittelalterlichen Siebenbürgen (Handschrift D. 14, Kirchengemeinde Heltau / Cisnădie)", *Transylvanian Review* 25, Supplement 1 (2016): 312-317. On the importance of this particular work for the ecclesiastical legal practice, see Martin Bertram (with Marguerite Duynstee), "Casus legum sive suffragia monachorum. Legistische Hilfsmittel für Kanonisten im späteren Mittelalter", in Martin Bertram, *Kanonisten und ihre Texte (1234 bis Mitte 14. Jh.)*, (Leiden: Brill, 2013), 37-90.

⁵³ [St Walpurgis] Evangelical church Cisnădie, Inv. 1355: Guido de Monte Rocherii, *Manipulus curatorum*, Straßburg: Printer of „Legenda aurea”, 30.VIII.1483, [ISTC ig00586000], bound together with *Gesta Romanorum*, Straßburg: Printer of „Vitas Patrum”, ca. 1484/1486 [ISTC ig00287000].

⁵⁴ Alba Iulia, Batthyaneum Library, Ms II.135.

books⁵⁵. The legal texts are well represented (*Decretum Gratiani, Liber sextus, Clementinae*, etc.) together with liturgical manuscripts, biblical texts with or without comments, sermons, theological literature, and even classical literature⁵⁶. Some of the manuscripts mentioned in the *Matricula* can still be found today in a local repository in Sibiu/Hermannstadt. In the 1544 inventory of Ghimbav's parish church assets (a village situated near Braşov/Kronstadt, the capital of Țara Bârsei/Burzenland region), the priest Michael enumerates a papal indulgence and some useful legal texts: decrees, works of Pope Clement V (*Constitutiones*) and the alphabetical compendium of ethics and canon law of the Dominican Silvestro Mazzolini da Priero (1456-1523): *Summa summarum que Sylvestrina dicitur*⁵⁷. Such books were used in the same manner as in other European contexts, not as bibliophile values but as instruments of administration and juridical praxis. The need for juridical knowledge was self-explanatory for the medieval parish priests who operated constantly with practical aspects derived from the interdependence of canon law and civil law.

Legal proficiency seems to have been a prerequisite for a parish priest career in the German communities of Late Medieval Transylvania. Important churches, mostly in urban centres, but in rural settlements alike, must have had a special preference for lawyers-priests, like Sibiu/Hermannstadt or Biertan/Berthalben⁵⁸, a tendency that, after

⁵⁵ Adinel C. Dincă, "Der Buchbesitz der Marienkirche in Hermannstadt um die Mitte des 15. Jahrhunderts", *Zeitschrift für Siebenbürgische Landeskunde*, 41 (2018): 17-32.

⁵⁶ Some other book lists redacted before 1500 in relation to the parish church were focused on theological and liturgical texts.

⁵⁷ ȘJAN Braşov, Primăria oraşului Braşov. Colecția Socoteli și impozite ale satelor din Țara Bârsei, Pachtet XXX/1: *Item, des Bapst decret myth den decretalen der ablas in das erst, das ander, das dryth, in das 4, 5, 6 decretalen bucher, auch die Clementina und dy Silvestrina*.

⁵⁸ A survey of the Latin rite parish priests documented in Biertan – a locally relevant market town that would be the administrative capital of the Transylvanian Saxons' Lutheran Bishopric from 1572 to 1867 – between 1283-1547 counts 14 individuals, half of them being graduates of law schools. In Sibiu, between 1424 and 1536, 8 successive parish priests have also acquired higher academic titles at law faculties abroad. The chronological sequence of the church personnel was reconstructed as

1500, would expand over most parishes of the province. Anyway, there are some fortunate contexts in which small collections of legal texts owned by priests are still preserved, at least partially⁵⁹. One such library belonged to *Martinus Pillades Cibiniensis* – documented activity between 1501 and 1540 as parish priest in Amnaş/Hamlesch 1501-1514, Şura Mare/Großscheuern 1514-1521, Sibiu/Hermannstadt 1521-1531 and Richiş/Reichesdorf 1531-1540 – counting at least 3 printed books on legal matters⁶⁰.

Other collections of legal literature related to the Transylvanian Saxons' parish environment have only survived in circumstantial instances, such as the mentioning of some *libros iuris canonici* belonging to *Mattheus* from Rupea/Reps († c.1503), parish priest in rural settlement Dealu Frumos/Schönberg, bequeathed to the Dominican convent from Sibiu/Hermannstadt⁶¹. Simon (†1501) parish priest in the village Hărman/Honigberg (near Braşov/Kronstadt), also cites in his testament several legal texts among the books passed on to his church⁶²: a *summa Astexani* [the canon law treatise *Summa*

part of the project *Fasti Ecclesiae Transsilvaniae* I, developed by Ciprian Firea and Adinel C. Dincă, additionally supported by David M. Smith.

⁵⁹ Further examples quoted in Dincă, “Medieval Literacy in Transylvania”.

⁶⁰ Sibiu Brukenthal Museum Library, v. V. 89: Clementis papae V, *Constitutiones una cum apparatu Ioannis Andree*, Venetiis, 1502; v. V. 82: Geminiano Dominicus de Sancto, *Prima (et secunda) lectura super sexto libro decretalium*, Venetiis, 1502; v. V. 53: Iohannes de Imola, *Super clementinis*, Venetiis, 1502. This information is provisional, based on the current state of research in domestic institutions of memory.

⁶¹ MNOL DL 21091, the testament of Mattheus from Rupea, issued on February 2nd, 1502: *Item omnes libros meos, videlicet: Totum corpus iuris positum cum scritis super libros decretalium. Practicam novam. Vocabularium iuris. Institutiones. Margaritam deoce et alios libros iuris canonici. Item Bibliam. Summam Reyneris, que alias Pantbeloya intitularur 20 ... continentem. Sancti Thome: Rationale divinatorum. Mariale Bernardini ordinis Minorum et alios duos libros, videlicet Thomam de veritate et Contra gentiles et plures alios libros, tam in theologia, quam in iure canonico...* See also Karl Fabricius, “Geschichtliche Nebenarbeiten. III. Das Testament des Schönberger Plebans Mattheus von Reps aus dem Jahre 1502”, *Archiv des Vereins für siebenbürgische Landeskunde* 12 (1875): 373-378.

⁶² Braşov, Archive of the Evangelical Church, Ms. I. E. 144: *Liber Promptuarii*, f. 54r, a 1506-transcript of Simon's testament. Another donation made in 1483 by Simon, copied in the same registry at f. 179r, does not mention these books, see Gernot Nussbächer, “Ein Nachtrag zu Band VII des Urkundenbuchs zur Geschichte der Deutschen in Siebenbürgen”, in *Saşi şi concetăţenii lor ardeleni: Studia in honorem Dr. Thomas Nägler* [The Transylvanian Saxons and Their Neighbours: Studies in honorem

de casibus conscientiae by Astesanus of Asti † c.1330], and *clementinas* [*Constitutiones* by Pope Clement V, 1314]. Considering the contextual evidence surrounding those books, such pieces of ‘savoir utile’ – reusing the term coined some time ago by Jacques Verger – must have been purchased during academic sojourns, while getting the law degree in Vienna (*Mattheus ex Ruppes, iuris pontificii baccalarius*), Krakow (possibly *Simon Nicolai de Corona*), or Bologna (*Martinus Pillades*)⁶³.

Legal practice

Parish priests acted more than once as legal representatives of their communities in various disputes, most of them boundary- or income-related⁶⁴, that would be presented before all ecclesiastical tribunals, up to the highest judicial authority, the Holy See. Even if the importance of legal education and erudition had triggered a process of professionalization within the *Latinitas* since the twelfth century⁶⁵, its effects on ecclesiastical customs were visible in Transylvania mostly from the 1400s onwards. Marcus Polnar, eventually parish priest of the rather important urban community of Sighișoara/Schäßburg, provides us with an unambiguous example of social mobility due to legal education⁶⁶. Although we are informed about Marcus’ title as doctor in canon and civil law only from his official correspondence (*Marcus, legum doctor* acting as the judge of an

Dr. Thomas Nögler], ed. by Ioan M. Țiplic, Konrad G. Gündisch, (Alba Iulia: Altip, 2009), 91-94.

⁶³ Tonk, *Erdélyiek egyetemjárása*, no. 1529, 2166, 1465.

⁶⁴ Various “Hattert-Processe” during the 16th century are mentioned by Franz Zimmermann, *Das Archiv der Stadt Hermannstadt und der sächsischen Nation in Siebenbürgen* (Hermannstadt: Verlag des Archives, 1887), 21.

⁶⁵ James A. Brundage, *The Medieval Origins of the Legal Profession. Canonists, Civilians, and Courts* (Chicago: University of Chicago Press, 2008); Thomas J. McSweeney, *Priests of the Law: Roman Law and the Making of the Common Law’s First Professionals* (Oxford, Oxford University Press, 2019).

⁶⁶ Marcus attended the University in Vienna, see Tüskés, *Students*, no. 2888 and 4070. Further details on his career in Adinel C. Dincă, “Marcus Polnar (†1506): A Bright Star in the Constellation of a Transylvanian Family”, *Specimina nova*, XI, 2021, pp. 145-166.

ecclesiastical tribunal⁶⁷), as there are no university-issued sources to further support this uncontested statement, another indirect source – the personal correspondence of the influent Italian family Capodilista⁶⁸ – signals his presence as student at the Law Faculty in Padua in 1472. By 1493 Marcus held the elite position of dean (*decanus*) of Saschiz/Kyzd Chapter and was a founder of the local confraternity of the Kalands Brothers. Documentary records place him between 1503-1505 in the position of ecclesiastical judge⁶⁹ and proctor for the town of Mediaș/Mediasch (nominated together with other Saxon parish priests with legal education)⁷⁰, an expertise that attests to his legal proficiency. Basically, Marcus' involvement in spiritual matters was focused on the social elevation and patrimonial enrichment of his family, who dominated the secular administration of Sighișoara/Schäßsburg for a few decades.

Parish priests frequently served as delegate judges (*iudices delegati*); for example, in 1446⁷¹, the archbishop of Esztergom assigns *Nicolaus* from Cislădie/Heltau, and *Valentinus*, the priest from Vurpăr/Burgberg, together with a few chaplains, to deliver a summons to the mayor of Sibiu/Hermannstadt. The following year Michael, parish priest in Cristian/Grossau and head of the local churchly congregation (*Capitulum Cibiniense*), is appointed delegate judge⁷² by the same prelate, the direct hierarchical superior for the Chapter of Sibiu/Hermannstadt.

⁶⁷ SJAN Sibiu, Colecția de documente medievale, U. V, no. 35.

⁶⁸ Elda Martellozzo Forin, "Conti palatini e lauree conferite per privilegio: l'esempio padovano del sec. 15", *Annali di Storia delle Università Italiane* 3 (1999): 109, the information has been identified in the Archivio di Stato di Padova, Notarile, 232, f. 105v, where Marcus Polnar is mentioned as a Hungarian student who needed to return a debt and a book to his professor of law.

⁶⁹ Appointment as delegate judge in 1503 by cardinal Pietro Isvalies †1511, legate for Hungary, Poland and Bohemia, see Karl Fabritius, *Urkundenbuch des Kisdler Kapitels vor der Reformation und der auf dem Gebiete desselben ebendem befindlichen Orden* (Hermannstadt: Michaelis, 1875), docs. CLVIII, CLIX and CLX.

⁷⁰ SJAN Sibiu, Colecția de documente medievale, U. V, no. 1879.

⁷¹ Gustav Gündisch, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. V (București: Ed. Acad. Rom., 1975), doc. 2529 and doc. 2531.

⁷² Gündisch, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. V, doc. 2567.

Since the fourteenth century, some deans of Transylvanian Saxon chapters have served as archbishopric vicars and judges in situations involving ecclesiastical justice (particularly disputes between parish priests over tithes)⁷³. Historical sources identify most of these elected deans (the highest position a local clergyman could climb on the ecclesiastical ladder) as jurists and canon law experts: *Franciscus decretorum baclarius (sic!) ac decanus Brasschouiensis necnon plebanus in castro Marie* in 1398⁷⁴, *Michael baccalaureus in decretis, plebanus in Insula christiana, decanus Cybiniensis* in 1447⁷⁵, *Georgius, decretorum licentiatu plebanusque in monte sancti Petri necnon decanus Braschowyensis* in 1454⁷⁶, *Petrus de Cibinio, artium et decretorum doctor venerabilisque capituli Cibiniensis decani plebanus in Wyzakna* in 1481⁷⁷, *Iohannes is iuris pontifici doctor, plebanus in Czeyden, almi capituli Braschouiensisque decanus* in 1483⁷⁸, just to quote a few of them. *Anthonus decretorum doctor, plebanus Cybiniensis* and canon of the Transylvanian bishopric is even awarded the title of *vicarius in spiritualibus* from 1442 to 1444⁷⁹.

On the other hand, the boundaries between secular and ecclesiastical matters were blurry: the town council of Sibiu/Hermannstadt complained about the dean's engagement in secular matters in a

⁷³ Franz Zimmermann, Carl Werner, Georg Müller, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. II (Hermannstadt: F. Michaelis, 1897), doc. 638: *Nos Christianus decanus Cybiniensis plebanus de Magno horreo iudex et vicarius reverendi in Christo patris domini archiepiscopi Strigoniensis...*

⁷⁴ Franz Zimmermann, Carl Werner, Georg Müller, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. III (Hermannstadt: F. Michaelis, 1902), doc. 1416.

⁷⁵ Gündisch, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. V, doc. 2567.

⁷⁶ Gündisch, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. V, doc. 2933.

⁷⁷ Gündisch e.a., *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. VII, doc. 4396.

⁷⁸ Nussbächer, "Ein Nachtrag zu Band VII des Urkundenbuchs zur Geschichte der Deutschen in Siebenbürgen", 91-92.

⁷⁹ Gündisch, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. V, doc. 2441, 2473.

letter from 1443 addressed to the archbishop of Esztergom⁸⁰ – *Cristianus*, parish priest in the village Gușterița/Hammersdorf and dean of the local chapter at that moment, was a graduate of the Faculty of Law in Vienna⁸¹ and specifically nominated as a doctor in the said letter. On another occasion, in 1451⁸², the town council of Brașov/Kronstadt was reprimanded by the ecclesiastical overseer from Esztergom for interfering with the ecclesiastical jurisdiction over testamentary matters. These instances suggest a complex relationship between the parish priests and the lay authority, especially involving legal claims over the management of financially related affairs.

The letter mentioned in the introduction of this paper serves as evidence for legal advice and counsel provided by an anonymous jurist familiar with the proceedings of the local ecclesiastical court of justice and the channels of appeal. Such consultative contexts are, however, rare occurrences within the Transylvanian documentary corpus, although various forms of written juridical assistance (provided a legal fee was paid) were common in relation to smaller ecclesiastical courts throughout Europe⁸³.

Indirect arguments indicate the legal formation of the auxiliary clerical body as well: *Paulus*, a provost of Sibiu/Hermannstadt, completes his doctoral studies at the Pécs Faculty of Canon Law in 1369⁸⁴, the parish preacher *Iohannes* from Cluj/Klausenburg is

⁸⁰ Gündisch, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. V, doc. 2468.

⁸¹ Mühlberger (ed.), *Die Matrikel der Wiener Rechtswissenschaftlichen Fakultät*, vol. I, 45, 48, 49.

⁸² Gündisch, *Urkundenbuch zur Geschichte der Deutschen in Siebenbürgen*, vol. V, doc. 2748.

⁸³ James A. Brundage, *Medieval Canon Law*, (Abingdon: Routledge, 1995), 66-67; Brundage, *The Medieval Origins of the Legal Profession*, 407; 456-459.

⁸⁴ Tamás Fedeles, “in dicta civitate Quinque Ecclesiensi de cetero sit studium generale». Short History of the Medieval University of Pécs”, in *University and Universality – the Place and Role of the University of Pécs in Europe from the Middle Ages to Present Day. (International University History Conference – 12-13 October 2017*, ed. by Ágnes Fischer-Dárdai, István Lengvári, Éva Schmelczler-Pohánka, (Pécs: PTE Egyetemi Könyvtár, 2017), 91-92.

appointed around 1444 legal representative (*procurator*) in a case⁸⁵, while another preacher from Sighișoara/Schäßburg, *Marcellus* acts in 1509 as mediator-judge in a case involving the common boundary of two adjoined parishes⁸⁶. Later, in 1523 *Georgius*, a preacher in Cristian/Grossau (near Sibiu/Hermannstadt), acted as the *procurator* of his brother, a parish priest, in a case tried by the dean of the Sibiu Chapter⁸⁷, as did a chaplain from Sibiu, *Martinus Ffoelker*⁸⁸ (also a notary public and later notary of the Sibiu chapter). *Georgius Reichersdorffer*, a graduate of the University of Vienna in 1510⁸⁹, a notary public and town notary of Sibiu/Hermannstadt between 1521-1525⁹⁰, arbitrated as a layman on behalf of Sibiu chapter a dispute between two inhabitants of the city⁹¹. *Michael Molitoris*, notary public, *baccalaureus*⁹² and *presbiter*⁹³ in Sibiu/Hermannstadt, also acts on countless occasions as a *procurator* around 1520-1530.

Many notaries public in Transylvania during the Middle Ages were also parish priests or belonged to the secular clergy in the parish environment; even if there are only a few examples from the first half of the fifteenth century, the number of *clerici – notarii* increases later, especially in the first decades of the sixteenth century⁹⁴. Moreover, it was assessed that at least 60% of the notarial instruments

⁸⁵ Zsigmond Jakó, *A kolozsmonostori konvent jegyzőkönyvei, 1289-1556* [The Protocols of the Cluj-Mănăştur Convent], vol. I: 1289-1484 (Budapest: Akadémiai Kiadó, 1990), no. 500; MNOL DL 36406. p. 26, no. 2.

⁸⁶ 1509.VII.11; Fabitius, *Urkundenbuch zur Geschichte des Kisder Kapitels*, doc. CLXXV.

⁸⁷ SJAN Sibiu, *Protocollum Capituli Cibiniensis*, I, f. 9v.

⁸⁸ SJAN Sibiu, *Protocollum Capituli Cibiniensis*, I, ff. 4v, 67v, 97r, 119v.

⁸⁹ Tüskés, *Students*, no. 6391.

⁹⁰ Dincă, "Urban Literacy in Medieval Transylvania", 127-128.

⁹¹ SJAN Sibiu, *Protocollum Capituli Cibiniensis*, I, f. 13v.

⁹² Tüskés, *Students*, no. 6369.

⁹³ SJAN Sibiu, Fond Capitlul evanghelic C. A. Sibiu, Acte cu instrumente contemporane de evidență, no. 71.

⁹⁴ Several examples are quoted in Dincă, "Mentalità e pratica legale".

issued in Transylvania had to do with specific aspects of the parish⁹⁵. It is worth mentioning the case of *Stephanus Heynczimanni*, parish priest in Râșnov/Rosenau (near Brașov/Kronstadt), who, acting in his secondary quality as notary public, compiled a public instrument in 1388 that, together with another parchment sheet containing a fourteenth-century text of civil law, ended up in the binding – probably executed locally – of a contemporary Italian-copied legal manuscript, *Decretalium liber sextus, cum apparatu Ioannis Monachi*⁹⁶.

Judicial misdemeanours produced by various members of the secular clergy are mirrored by an important number of archival texts that document the activity of parish churches and deaneries as courts of justice in matters involving clerical discipline, disputes over tithes or parish boundaries, matrimonial issues of the parishioners, etc. Such are, for instance, the manuscript *Protocollum Capituli Cibiniensis* I, covering the period 1523-1540, preserved at the Sibiu County Branch of the Romanian National Archives and comprising decisions and sentences issued during the ecclesiastical trials of the Sibiu Chapter, or the *Liber promptuarii Capituli Brasschowiensis*, a manuscript now preserved in the archive of the “Evangelischen Kirche A. B.” in Brașov.

The first quoted manuscript is a compilation of court hearings in form of summaries, specifying the nature of the cases, the testimonies of plaintiffs, defendants and their lawyers, witnesses, as well as recording the issued sentences. In some instances, the cases were further referred to the superior ecclesiastical see, that of the Archdiocese of Esztergom, or even to the Apostolic See, while on other occasions the case was referred to the secular court. This unique Transylvanian historical source, not yet published, reflects the three-dimensional relationship between legal theory, practitioners and the social encounters around a court of justice, exemplified by cases of

⁹⁵ Tonk, “A középkori közjegyzőség”, 42.

⁹⁶ Austria, Sankt Florian Abbey, *Codex San-Florianensis* III, 3; see also Albin Czerny, *Die Handschriften der Stiftsbibliothek St. Florian* (Linz: Ebenhöch, 1871), 238-239.

sexual misconduct, dissolution of marriages and dowry disputes (canon family law heavily influenced by Roman jurisprudence), property and inheritance claims (especially pertaining to the shared parish patrimony), and excommunication for crimes (cases of clerical discipline that might be appealed to the Apostolic court). In this tribunal, testimony from witnesses is frequently used as evidence, merging regional oral traditions with the procedural requirements of the *ius commune* (minimum number of witnesses, their age, incompatibility issues, social status, etc.).

The latter manuscript, a cartulary of mixed content, covers the fifteenth- and sixteenth-century statutes of the Țara Bârsei/Burzenland Chapter⁹⁷, a Saxon ecclesiastical unit that was also exempt, similar to Sibiu/Hermannstadt, and under the jurisdiction of the Archbishop of Esztergom. It contains an enumeration of the types of cases tried before the local ecclesiastical court, compiled in 1452 by the dean of the Chapter, *Georgius* († 1465), an alumnus of the Vienna University⁹⁸ and a *decretorum licenciatus artiumque baccalaureus*. The jurisdiction of this ecclesiastical unit, wider than that of other Hungarian deaneries of the time, followed the provisions of the *corpus* of canon law: *Decretum Gratiani* (ca. 1140), *Liber Extra* of Gregory IX (1234), *Glossa ordinaria* to the *Liber extra*, *Liber Sextus* of Boniface VIII (1298)⁹⁹, and even had some references to emperor Justinian's sixth-century *Novellae Constitutiones*, pertaining to the corpus of civil

⁹⁷ A brief description of this manuscript in Adrian Papahagi (coord.), Adinel C. Dincă and Andreea Mârza, *Manuscrisele medievale occidentale din România: Censuș [A Census of Western Medieval Manuscripts in Romania]*, (Iași: Polirom, 2018), no. 302. A full edition of the text has not yet been published.

⁹⁸ Tüskés, *Students*, no. 1906.

⁹⁹ Péter Erdő, *Die Quellen des Kirchenrechts. Eine geschichtliche Einführung* (Frankfurt am Main: Peter Lang, 2002); Péter Erdő, *Kirchenrecht im mittelalterlichen Ungarn: gesammelte Studien* (Berlin: Frank&Timme, 2005); Eltjo Schrage, Harry Dondorp, *The Sources of Medieval Learned Law*, in *The Creation of the Ius Commune. From Casus to Regula*, ed. by John W. Cairns, Paul J. Du Plessis, (Edinburgh: Edinburgh University Press, 2010), 7-56.

law¹⁰⁰. However, the volume does not record real judicial actions, such as lawsuits, hearings of witnesses or relevant sentences, but only theoretical aspects of a legal nature, as well as documents concerning the internal organization of the chapter.

Conclusions

Beyond its major characterization as a frontier society, Transylvania was indeed – repeating the title of a seminal book¹⁰¹ – a land «of colonization and cultural change». Thus, the reception and actual application of the written law in this periphery of the European Latin world can be best apprehended and described in the case of the German communities in Transylvania, who were deeply aware of their legitimate identity, as a phenomenon of legal acculturation between the customary-based Hungarian law and the Central European juridical model. The legal literacy fostered by the German parish church in late medieval Transylvania must be understood primarily as a typical consequence of an urbanized society and as an episode of intellectual history, with a far greater significance, however, due to the importance of the sacred space for pre-modern society. Becoming a parish priest was considered a career-path full of material and intellectual satisfactions for young Transylvanian Saxons, whose theoretical education, encompassing theological and legal expertise, emphasized pragmatic uses that shaped their professional skills and cultural production. They served not only as agents for the transfer of knowledge, but also as

¹⁰⁰ Szilvia Somogyi, *A brassói dékánság Kézikönyvénekegyik kánonjogi jegyzete. Adalékok az egyházi bíráskodás illetékességi körének történetéhez* [A Canonical Text in the Medieval Handbook of the Deanery of Braşov. Additions to the History of the Ecclesiastical Jurisdiction], in *Micae Medievales VII. Fiatal történészek dolgozatai a középkori Magyarországról és Európáról*, ed. by Csaba Farkas, András Ribí, Kristóf György Veres, (Budapest: ELTE BTK Történelemtudományok Doktori Iskola, 2018), 149-165.

¹⁰¹ Robert Bartlett, *The Making of Europe: Conquest, Colonization and Cultural Change 950-1350* (London: Penguin, 1994).

the link between urban and rural settings, more mobile than any other contemporary professionals. As a result, both the important municipal centres and the smaller agrarian settlements gravitating around them preserve traces of an advanced legal mentality: significant archival collections and solid indications of the existence of parish libraries. Much more than any other group in late medieval Transylvania, the German secular clergy reflect through their geographical and social mobility the unparalleled historical significance of the parish landscape as a contact zone between trans-regional values and elements of a local cultural environment. It emerges spontaneously in what sociology refers to as a “knowledge community”¹⁰², a socio-professional group with shared characteristics, defined by the accumulation, generation, and dissemination of knowledge or scholarly content. The contribution of parish priests to the reception and spread of civil and canon law in medieval Transylvania has not been yet sufficiently emphasized, a research topic to be soon investigated thoroughly.

If the available historical material seems to favour those who occupied the office of parish priest, documentary sources also reveal clues concerning the legal education and praxis of other members of the secular clergy (such as preachers, chaplains, schoolteachers). Although university matriculation books do not always allow the identification of all clergymen nominated in internal sources, the indirect evidence provided by the legal actions in which they were involved suggests that the number of individuals who studied law but did not, for various reasons, reach the top position in the parish organization, was higher than the one anticipated so far in the dedicated literature. A further scrutiny of university matriculation books, especially the Italian ones from Bologna, Padua, and Ferrara, coupled with the systematic study of internal resources: documents,

¹⁰² A discussion in Tjamke Snijders, “Communal Learning and Communal Identities in Medieval Studies Consensus, Conflict, and the Community of Practice”, *Horizontal Learning in the High Middle Ages: Peer-to-Peer Knowledge Transfer in Religious Communities*, ed. by Micol Long, Tjamke Snijders, Steven Vanderputten, (Amsterdam: Amsterdam University Press, 2019), 30-32.

manuscript and printed books, active careers, and pursuits in the field of justice administration, may refine the local historiographical landscape and its interpretative dispositions. In particular, the study of those fragments of medieval legal texts of a certain Italian origin (primarily Bolognese) present in various archives and libraries on the territory of Romania, could completely rewrite the history of cultural exchanges between the Central European and current Romanian historical spaces.

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**“*QUI MISERIT MERDAM IN
BOCCA ALTERIUS PECTET CCC SOLIDOS*”:
EPISCOPAL LAWCODES AND LORDSHIP IN
TWELFTH CENTURY CASTILE AND LEÓN¹**

Kyle C. Lincoln

Southeastern Oklahoma State University

ORCID: 0000-0002-7473-6622

Abstract: By most estimates, bishops were the clerical counterparts to the comital class of nobles in the Medieval Latin West. As a landholder and member of a royal administration, bishops often played one of the most important roles; indeed, Reilly once referred to Leonese and Castilian bishops as the “key institutional element” and both the archival evidence and subsequent historiography have widely supported his conclusions. Taking these observations as a point of departure, this paper will examine the ways in which the prelates of Leon and Castile in the twelfth century controlled – or attempted to control – the public life of their diocesan territories through their issuance of *fueros* (municipal law codes). Although these law-codes were assuredly the result of a negotiated process involving the town’s

¹ The following abbreviations are deployed in the article text below: *DCPalencia* = Theresa Abajo Martín, *Documentación de la catedral de Palencia*. Fuentes Medievales Castellano-Leonesas, vol. 103, (Burgos: Gráfica Cervantes, 1986); Rivera, *IdT*= Juan Francisco Rivera Recio, *La Iglesia de Toledo en el siglo XII (1086-1208)*. Volumen II, (Toledo: Diputación Provincial de Toledo, 1976); *Muñoz y Romero* = Tomás Muñoz y Romero, *Colección de fueros municipales y cartas pueblas de los reinos de Castilla, León, Corona de Aragón y Navarra*, (Madrid: J. M. Alonso, 1847).

stakeholders, high clergy, the bishops, and even royal officers, they nevertheless provide an important entry point for examining the ways in which clerical lordship functioned in the North-Central Iberian Peninsula. In particular, the paper will deploy the law codes of Castilian and Leonese (archi-)episcopal sees to examine the ways in which ideas about power, lordship, reform, and religiosity circulated and were implanted in the kingdoms of León and Castile during the period.

Resumo: Por aproximação, os bispos eram os homólogos clericais da classe nobre do Ocidente latino medieval. Como proprietários de terras e membros da administração régia, os bispos desempenhavam frequentemente um dos papéis mais importantes; de facto, Reilly referiu-se uma vez aos bispos leoneses e castelhanos como o "elemento institucional chave" e tanto as provas arquivísticas como a historiografia subsequente apoiaram amplamente as suas conclusões. Tomando estas observações como ponto de partida, este artigo examinará as formas como os prelados de Leão e Castela no século XII controlavam – ou tentavam controlar – a vida pública dos seus territórios diocesanos através da emissão dos *fueros* (códigos de leis municipais). Embora estes códigos de leis fossem seguramente o resultado de um processo negociado que envolvia as partes interessadas da cidade, o alto clero, os bispos e até oficiais régios, não deixam de constituir um importante ponto de partida para examinar as formas como o senhorio clerical funcionava no centro-norte da Península Ibérica. Em particular, o artigo utilizará os códigos de leis das sedes (arqui)episcopais castelhanas e leonesas para examinar as formas como as ideias sobre poder, senhorio, reforma e religiosidade circularam e foram implantadas nos reinos de Leão e Castela durante esse período.

In the Latin West, the high clergy were, for most of the Middle Ages, a kind of parallel aristocracy, mirroring many of the functional responsibilities of their lay kinsmen and occasionally embodying

and undertaking a higher moral standard for their conduct. Abbots and bishops led armies, negotiated marriages and treaties, collected taxes, and judged cases; they were functionally effective administrators and feudal lords². In the kingdoms of Castile and Leon in the long twelfth century, their responsibilities present something of a historiographical paradox: Bernard Reilly noted that they were indispensable; Peter Linehan observed that they were often unknowable³. Because they played in this historiographical gray area, their histories are often left unwritten, especially outside of Spanish-language historiography, and when they do crop up, their actions

² A complete list of examples from Castile and León would run too far, but exemplary treatments are widely available in English. Kyle C. Lincoln, "Beating Swords into Croziers: A case study of Warrior Bishops in the Kingdom of Castile, c.1158-1214". *Journal of Medieval History*. (2018): 83-103; Derek W. Lomax, "Don Ramón, Bishop of Palencia (1148-1184)". In *Homenaje a Jaime Vicente Vivens*, edited by Juan Maluquer de Motes y Nicolau, (Barcelona: Facultad de Filosofía y Letras, 1965), 1: 279-291; Bernard Reilly, "The Court Bishops of Alfonso VII, 1148-1157", *Medieval Studies*, 36 (1974): 67-78; James F. Powers, "The Early Reconquest Episcopate at Cuenca, 1177-1284". *The Catholic Historical Review* 87 (2001): 1-16; Teresa Witcombe, "Building heaven on earth: Bishop Maurice and the *novam fabricam* of Burgos cathedral". *Bulletin for Spanish and Portuguese Historical Studies*. 42.1 (2017): 46-60; Carolina Carl, *A Bishopric between Three Kingdoms: Calahorra, 1045-1190*. (Leiden: Brill, 2011); Spanish language scholarship understandably dwarfs even the substantial contributions mentioned here, but for standard-bearing treatments: Susana Guijarro González, "Estudiantes, universidades y cabildos catedralicios en las diócesis castellanas durante la baja edad media". *Edades: revista de historia* 4 (1998): 39-55; Carmen Díez Herrera, "El obispado de Burgos en la baja edad media. Formas de fortalecer su jurisdicción frente al monasterio de San Salvador de Oña". *Anuario de Estudios Medievales*. 45, no.2. (2015): 753-782; Jorge Díaz Ibañez, "Las fortalezas medievales de la Iglesia de Cuenca". In *La Fortaleza Medieval: Realidad y símbolo*, ed. Juan Antonio Barrio Barrio and Jose Vicente Cabezuelo Pliego, (Murcia: Compobell, 1997), 305-312; Bonifacio Bartolomé Herrero, "Obispos extranjeros al frente de la Diócesis de Segovia (1120-1742)". *Estudios segovianos* 105 (2005): 19-54; Carlos de Ayala Martínez, "Breve semblanza de un arzobispo de Toledo en tiempos de cruzada: Martín López de Pisuerga". In *Mundos Medievales: Espacios, sociedades y poder. Homenaje al Profesor José Ángel García de Cortázar y Ruiz de Aguirre*, edited by Beatriz Arízaga Bolumburu, Dolores Mariño Veiras, Carmen Díez Herrera, Esther Peña Bocos, Jesús Ángel Solórzano Telechea, Susana Guijarro González and Javier Añíbarro Rodríguez, (Santander: Universidad de Cantabria, 2012), 1: 355-362; Carlos de Ayala Martínez, "Los Obispos de Alfonso VIII". In *Carreiras Eclesiásticas no Ocidente Cristão*, edited by Ana Maria Jorge, Hermínia Vilar and Martia João Branco, Lisbon: Universidade Católica Portuguesa, 2007), 153-186; Carlos de Ayala Martínez, "Los obispos leoneses y las guerras santas de Fernando II", in *Homenaje al prof. Eloy Benito Ruano*, (Madrid: Sociedad Española de Estudios Medievales, 2010), 1: 91-105.

³ Reilly, "The Court Bishops of Alfonso VII", 67; Peter Linehan, *History and the Historians of Medieval Spain*, (New York: Oxford Clarendon Press, 1993), 313.

are often cast into either regional conflicts (often against neighboring diocese or bishops) or as part of something more grandiose, like the constructions of cathedrals or the waging of a crusade⁴. In this study, I want to focus on a comparison of a few more local efforts that help point the way toward understanding how episcopal lordship might have functioned, so that further implicit and explicit comparisons to lay lordship might be made in the future.

In particular, this study will examine the local/municipal law-codes (*fueros*) issued by bishops and archbishops in the kingdoms of Leon and Castile in order to uncover what their major concerns were in their areas of influence and how these compare with similar codes issued for other towns. To do so, it will examine the ways in which the prelates of Castile in the twelfth century controlled – or attempted to control – the public life of their diocesan territories through their issuance of *fueros* (municipal law codes). Although these law-codes were assuredly the result of a negotiated process involving the town’s stakeholders, high clergy, the bishops, and even royal officers, they nevertheless provide an important entry point for examining the ways in which clerical lordship functioned in the North-Central Iberian Peninsula⁵. In this study, my goal has been to examine the *fuego* of Palencia (issued 1184) and the Toledan archiepiscopal fief of Belinchón (issued 1171), before situating these into the comparative material from the period using several “micro-fueros” that offer far

⁴ For examples of where these fit into larger “textbook narratives”, see: Barbara Rosenwein, *A Short History of the Middle Ages*, 5th ed., (Toronto: University of Toronto Press, 2018), 161-188; Joshua Cole and Carol Symes, *Western Civilizations, Brief Fifth Edition*, vol. 1, (New York: W.W. Norton & Co., 2020), 266-276, 294-302, 322-329; Valerie Hansen and Kenneth R. Curtis, *Voyages in World History*, Brief Edition, vol. 1, (New York: Cengage, 2013), 283-286; William J. Duiker and Jackson J. Spielvogel, *World History, to 1500*, 5th edition, (New York: Thompson Wadsworth, 2007), 331-343.

⁵ Because the possessions and powers of prelates differed in their cities, the negotiation of episcopal rights and privileges in their diocesan sees varied enormously. The case of the bishops of Palencia and their possession of royal rights over the Jewry of Palencia, which were contested by local and royal agents in the thirteenth century, demonstrates this depth of these conflicts and the ways they could vary widely: Maya Soifer Irish, *Tamquam domino proprio: Contesting Ecclesiastical Lordship over Jews in Thirteenth-Century Castile*. *Medieval Encounters: Jewish, Christian and Muslim Culture in Confluence and Dialogue* 19 (2013): 534-566.

smaller windows into diocesan administration and the creation of parish networks within the same area. Since the number of the *fueros* issued by bishops is much smaller than those granted to episcopates and since Castilian sources are generally rather poor, we have a smaller area around which we can draw firm, if arbitrary boundaries, to concentrate this study. Although these texts are certainly not the only episcopal *fueros* that were issued during the long twelfth century, their rich content makes a serial analysis useful for drawing some conclusions about how bishops could and did organize the exercise of their lordship in the localities in which they had jurisdiction.

Background and Context

We know a decent amount about the process by which *fueros* were formed in the Medieval Iberian Peninsula. Most useful in a preliminary discussion is the framework laid out by García-Gallo, which has continued to be a discursive point of reference in scholarship about *fueros*⁶. In that article, García-Gallo laid out a series of guiding elements that still govern what we understand about a *fuero*: they represent the crystallization of local customary law, written down in a form negotiated by the major power brokers in the area, and given a form in writing that provided a set reference in a period where oral memory and custom were being overtaken by the written and sealed words⁷. Because they resulted from a negotiation but required the consent and enforcement of the issuing authority, the *fueros* issued by bishops do not reveal what prelates wanted from their practice of lordship in their sees, rather, it represents what they could negotiate to receive and accept as a compromise. We might therefore suggest that they represent a kind of “priorities” list with

⁶ Alfonso García-Gallo, “Aportación al estudio de los fueros”, *Anuario de historia del derecho Español*, (1956): 387-446.

⁷ García-Gallo, “Aportación al estudio de los fueros”, (1956): 400-403, 411-425.

respect to the rights that were granted to the issuing lords, in this case, the bishops themselves. Reading these sources sensitively, then, we might be able to extract a sense of where the legal and jurisdictional priorities of bishops lay in their period. This kind of careful and restorative interpretation of the material might allow us to make real progress toward providing a clearer glimpse of what life *was* like in episcopal cities and what prelates *wanted life to be like* in those same centers of administrative and religious energy. Before we can properly examine the two Castilian, late-twelfth century *fueros* in detail, though, we need to better understand what they were like in the early period where the *fuero* was evolving as a sub-genre of legal privilege. For that examination, we must turn to one of the most (in)famous prelates of the early twelfth century: Diego Gelmírez of Santiago de Compostela.

While his wider portfolio of activities is occasionally obscure, there is a clear connection between Diego Gelmírez's attempts to exercise lordship and the wider agenda that he had within the Leonese Empire of the period⁸. No wonder, then, that the same cleric that commissioned the *Historia Compostellana* to celebrate the triumphs of his episcopal (later archiepiscopal) tenure would attempt to carefully construct the prerogatives of his administrative lordship within the city itself⁹. Unfortunately for a cleric as ambitious as Diego, his ability to issue a *fuero* was hamstrung by the earlier concession by Raymond of Burgundy of terms for the inhabitants of the city¹⁰. Not to be outmaneuvered, Diego Gelmírez instead issued a *fuero* to the inhabitants of the surrounding area, adding terms to the conditions

⁸ Richard Fletcher, *Saint James's Catapult: the life and times of Diego Gelmírez of Santiago de Compostela*, (New York: Oxford University Press, 1984); Ermelindo Portela Silva, *Diego Gelmírez (c. 1065-1140): el báculo y la ballesta*, (Madrid: Marcial Pons, 2016). See, on this point, for example, the work of Gordo Molina: Angel Gordo Molina, "Alfonso VII y Diego II Gelmírez", *Iacobus*, 29/30 (2010): 49-74.

⁹ On the commissioning of the *Historia Compostellana*, see the introduction by Falque Rey to the critical edition in the *Corpus Christianorum*: Emma Falque Rey, *Historia Compostellana*, (Turnhout: Brepolis, 1988).

¹⁰ Antonio López Ferreiro, *Fueros municipales de Santiago y su tierra*, (Santiago: Imp. y Enc. del Seminario C. Central, 1895) I: 65-69.

of their dependence on the city, but shaping them so that they would not conflict with the urban *fuero*¹¹. Folding these terms into the wider envelope of municipal law in the region, Diego's *fuero* focused on several key aspects, including the administration of justice and preservation of public order, but was much more brief than the privileges granted in later periods.

In his 1115 *fuero* for the *contado* of Compostela, the first item (after the invocations and protocols) that is enumerated is the preservation of the "Ecclesiae terminos", a consideration that aligns quite clearly with Diego Gelmírez's larger interest in the expansion and defense of Santiago's patrimony¹². Those who exacted fines illicitly should repay the exaction twice over and render 60 *sueldos* to the archbishop for breaching his justice¹³. The archiepiscopal judges were confirmed in their power to judge cases, except in those matters that were reserved for Papal judgement¹⁴. Paupers and fools were to be given mercy in judgement and not deprived of their goods. Thieves and traitors were outlaws and beyond the lawful protection of anyone, but those who were stolen from were forbidden from exacting their own revenge¹⁵. When paupers were summoned to respond to a case by a powerful person, they were to be assigned a powerful person to plead their case, "lest by chance the majesty

¹¹ Ermelindo Portela Silva, *Diego Gelmírez (c. 1065-1140), El baculo y la ballesta* (Madrid: Marcial Pons, 2018), 269-350.

¹² "precepimus, ne quis Ecclesiae terminos irrumpat, aut violenter ingrediatur". Muñoz y Romero, 403.

¹³ "Si quis injuste vel abseque domini sui petita licentia quempiam pignerare presumpserit, duplum retituat, et sexaginta solidos Pontifici personlva. Verumtamen quisquis prius requisita justitia coram idoneis testibus cum Vicario pigneravit duplum minime restituat". Muñoz y Romero, 404.

¹⁴ "Hereditatum et Ecclesiarum causae, non nisi ab optimatibus et Apostólica Sedi iudicibus diffiniantur. Calumniae fiedjussoriae iudicia, more antecessorum nostrorum posthabitis in honore B. Jacobi aliis iudicibus, Apostolicae Sedis iudicibus referantur". Muñoz y Romero, 404.

¹⁵ "noverint enim quia qui percutit malos in eo quod mali sunt, minister Dei est, et alibi, punire malos non est effusie sanguinis". Muñoz y Romero, 405. This seems a direct echo of the *Panormia* by Ivo Carnotensis, itself drawing on Jerome's earlier letters: Ivo of Chartres, *Decretum sive Panormia*, ed. Bruce Brasington and Martin Brett, X.171. <https://www.wtamu.edu/~bbrasington/panormia.html>.

of someone should suffocate the justice for the poor”¹⁶. Those who caught a thief or a traitor were awarded a third part of the fines levied in the case¹⁷. Ensuring some due process in uncertain events, the goods of those that were captured in the conflicts against the Muslims of al-Andalus were protected, for a full year after their capture, so that those goods could be used to redeem them from captivity; after that year, their goods (if they lacked heirs) were distributed to their neighbors¹⁸. Judicial activity, then, suggests the exercise of judicial authority; given the extent to which individual crimes are noted in the *fuero*, it stands to reason that these were things that often came for judgement and needed to be given a more extensive description. Knowing what the cases might be meant the preservation of an established rhythm of life in the area around the city.

Public order plays a lesser role than the establishment of judicial rights in the *fuero* of Diego Gelmírez, but there several items that point to a concern for the tranquility of the countryside. For example, the *fuero* enumerates that vicars and others that might be able to exact taxes or require fees are restrained from doing so in noble houses, except in the cases of pursuing those suspected major crimes like homicide, rape, or theft¹⁹. The *fuero* then set restrictions on the timeline for delivering over those suspect of such crimes and noted

¹⁶ “Si quis potentum iudicii causam tractare adversus pauperem, vel diffinire habuerit, siilem personam introducat quae per se causam suam definiat, ne forte cuiuspiam majestate pauperis Justitia suffocetur”. Muñoz y Romero, 406.

¹⁷ “Quicumque latronem comprehenderit, eum villico terrae tradat, et quaecumque villicus ab eo abstraxerit, horum tertiam partem habeat, sic et de proditoribus”. Muñoz y Romero, 407.

¹⁸ “Bona eorum, qui capiuntur, a Mauris, usque ad annum plenum in temerata et integra conserventur, ut si forte fortuito captum potuerint redimere, redimant; sin autem completo anno, juxta arbitrium propinquorum eorum bona distribuantur”. Muñoz y Romero, 408.

¹⁹ “In domibus nobilium seu ubicumque eorum uxores aut filii inermes fuerint, Vicariis et quibusque aliis pignerendi licentiam resecaimus. In ceterorum quoque domibus id ipsum observare precipicimus, excepto si furti aut homicidio aut violentae mulieries violationis, quod vulgo raptum dicitur, aut quadagesimlais tributi causa extiterit”. Muñoz y Romero, 404.

that those who eluded capture should have some of their assets frozen in compensation²⁰. “On a certain Sunday (except Easter or Pentecost), priests, knights, rustic persons, and anyone immune from work, should pursue wolf hunting” and those who showed up to this work should be paid for it; priests and knights received 5 *sueldos* and rustics should receive either a sheep or a *sueldo*²¹. Taxation for “mercatores, romarii et peregrini” was prohibited, and anyone who unlawfully exacted fees or taxes was required to pay it back double and, “if he should have been excommunicated, he should also pay 60 *sueldos* to the lord of that territory”²².

The whole of the episcopal fuero issued by Diego Gelmírez is more focused on judicial policy and the preservation of domestic order, but there are some elements that fit in with wider concerns expressed in later *fueros* and contemporary legal discussions. Clerics were exempt from the *fonsado* tax and abbots and clerics journeying to a synod were exempt from taxation and from paying the *tercias*²³. Rustics were forbidden from doing business on Sunday²⁴. Clerics were forbidden from being named the tenants of lay nobles or the tutors of the children of nobles and their goods were under ecclesiastical protection, with excommunication levied against those that

²⁰ “Quidquid ut praedictum est pigneratum fuerit, quousque VIII dies compleantur, integrum conservetur et vicinis reservandum commendetur, et usque ad praefinitum terminum illaesum, et ab omni usu liberum maneat: si fuerint Omnia animalia exercendi operis sstudio adhibenda, totius laboris expertia serventur. Tandem si calimniae perpetrator praefinito tempore ad examinandam justitiam venire neglexerit, nisi necessaria detentus caus fuerit, justitiae examinatores pro calumniae quantitate pigneris partem detineant, cetera dominis suis referantur”. Muñoz y Romero, 404.

²¹ “In unoquoque Sabbato (excepto Paschae et Pentecostés) Presbyteri milites rustici cujusque negotii immunes, lupos exagitantes persequantur...Ad hoc negotium quisqui sire distulerit, si sit Sacerdos (nisi visitatione detineatur) vel milites, V solidos, rusticus vero ovem vel solidum persolvat”. Muñoz y Romero, 407.

²² “Mercatores, romarii, et peregrini non pignerentur; et qui aliter egerit, duplet quae tulerit, et sit excommunicatus, et solidos LX persolvat domino illius honoris”. Muñoz y Romero, 409.

²³ “Clerici fossatariam non dent. Abbates et Clericos venientes ad Syndoum vel votum aut tertias afferentes, pignerare vetamus”. Muñoz y Romero, 409.

²⁴ “In Dominica die rucolicas ad civitatem negotium ire prohibemus”. Muñoz y Romero, 405.

defrauded or deprived clergy of their goods²⁵. In many ways, these conditions mirror the importation of the Peace and Truce of God's provisions, especially in the prevention of certain activities on holy days and the protection of clerical personages²⁶. When coupled with the provisions discussed above, it seems quite clear that Diego Gelmírez's attempts to preserve the peace of the territory and regularize the administration of justice was not merely a financial exaction but were manifest in the *fuero* itself. In the surrounding countryside, whose parochial network we can presume but not trace with great specificity, we can sketch the importance of Diego's projection of his influence on the small villages and their local church communities. When viewed in the wider perspective of his efforts to claim the metropolitan province of Mérida as his own and his political work in the kingdom, the *fuero* provides strong contextual evidence that Diego Gelmírez was deepening his influence on the public life of the region around Compostela itself and that he was likely aiming to inculcate his rule deeper into the parish life of the neighboring areas.

Belinchón

Given their long-standing and the intense debates over the pertinence of Zamora to their respective metropolitan provinces, it seems quite sensible that Toledo and Santiago de Compostela should share in a number of important developments²⁷. Toledo's legal history

²⁵ "Clerici neque laicorum villici efficiantur, necque filiorum illorum nutritores, neque a laica persona dehonestentur, vel eroum bona capiantur. Qui aliter egerit, canonicam institutionem componat et excommunicatus a conventu fidelium sequestretur". Muñoz y Romero, 408.

²⁶ On the Peace and Truce of God movement in Medieval Iberia, see, by way of example, the material citations compiled by Masferrer: Aniceto Masferrer, "La contribución canónica a la salvaguarda de la paz en la Edad Media: el IV Concilio de Letrán (1215)", *Vergentis*, 2 (2016): 54-55, n. 17.

²⁷ On the so-called "Zamora Imbroglío" and its implications on the primacy debates: Peter Linehan, "Un Quirógrafo impugnado. Zamora y la cultura jurídica zamorana a comienzo del siglo XIII". *Anuario de Estudios Medievales*. 39, no. 1. (2009): 138; Fletcher, 138.

presents, as is generally well-known, a complex mixture of royal and ecclesiastical layers, not unlike their Galician counterparts²⁸. The triple *fueros* issued in the aftermath of the annexation of the city in 1085 created distinct legal categories for the residents, and their renewal was only further complicated by the growth of the property networks (with their own legal rights) that developed around the city's commercial zone²⁹. The influence of Roman and Canon Law in these developments, particularly with respect to clerical and ecclesiastical jurisdictions, added additional challenges to the interpretation of these questions³⁰. It is into this messy and overlapping segment of legal history that the work of Archbishop Celebruno of Poitiers intervened, but he did so outside of Toledo's municipal area in the nearby salt-mining town of Belinchón, some 100 km east of the archdiocesan see and at the eastern edge of the archdiocese proper.

The Archdiocesan fisc of Toledo first received a donation regarding Belinchón in 1146, from Alfonso VII³¹. In that privilege, Alfonso gave half of the royal rights to Belinchón and its salt-mines to Toledo, but the remainder of the *realengo* in the town was held royally until

The Episcopate in the Kingdom of León, 202; Demetrio Mansilla, "Disputas diocesanas entre Toledo, Braga y Compostela en los siglos XII al XV", *Anthologica annua* 3 (1955): 108; Peter Feige, "Zum Primat der Erzbischöfe von Toledo über Spanien. Das Argument seines westgotischen Ursprungs im Toledaner Primatsbuch von 1253", in *Fälschungen im Mittelalter. Internationaler Kongreß der Monumenta Germaniae Historica. München, 16.-19. September 1986*, (Hanover: MGH, 1988) 1: 675-714; Patrick Henriët, "Political Struggle and the Legitimation of the Toledan Primacy: the Pars Lateranii Concilii", in *Building Legitimacy. Political Discourses and Forms of Legitimation in Medieval Societies*, I. Alfonso, H. Kennedy et J. Escalona eds., (Leiden, Brill, 2003), 147-168.

²⁸ Linehan's narrative, dated though it is, remains one of the richest descriptions of the problems with this element: Linehan, *History and the Historians of Medieval Spain*, (New York: Oxford Clarendon, 1993), 268.

²⁹ For the edition of the *fueros*: Alfonso García-Gallo, "Los fueros de Toledo", *Anuario de Historia del Derecho Español*, 45 (1975): 459-461, 468-469, 473-483. For their historical impact on the city and the region: Peter Linehan, *History and the Historians of Medieval Spain*, 268, 281; Alfonso García-Gallo, "Los fueros de Toledo", *Anuario de Historia del Derecho Español*, 45 (1975): 406-458.

³⁰ On the wider development of the archdiocesan territory and its legal and jurisdictional elaboration, see the extensive work of Holndonner: Andreas Holndonner, *Kommunikation – Jurisdiktion – Integration: Das Papsttum und das Erzbistum Toledo im 12. Jahrhundert (ca. 1085 - ca. 1185)*. (Berlin: Walter de Gruyter, 2014).

³¹ Hernández, *Los Cartularios de Toledo*, 60.

it was subdivided up to the diocese of Palencia and the Order of Santiago in the time of Alfonso VIII³². In the preamble to the *fuero* that was issued by Archbishop Celebruno in 1171, Celebruno noted specifically that the *fuero* had been conceded to the town with his place being affirmed, “with the king Alfonso reigning in Castile and Extremadura”, as the “*señor* in Belinchón, Archbishop Don Celebruno”³³. The establishment of the code, then, with royal permission and the subscription of major regional powers, including archdeacons from neighboring dioceses and the bishops of those neighboring dioceses that, at that time, had interests in Belinchón³⁴. The *fuero*, then, rested on a firm foundation of legal authority, and its terms represent the archiepiscopal interests in the governance of the town and its role as part of the archdiocese as a whole. Of the thirty-nine titles in the *fuero*, six (2, 10, 18, 26, 27, 39) deal in the raiding activities that characterized frontier warfare, ten (1, 6, 7, 9, 18, 22, 27, 33, 38, 39) deal with the payment of or exemption from taxes to the archiepiscopal fisc, and eight (3, 4, 11, 15, 30, 31, 35, 37) deal with what we might term criminal justice; even accounting for titles that deal with multiple thematic elements, it is evident that these elements comprise the core of the *fuero* of Belinchón.

Military service and the *cabalgada* raiding of the frontiers plays a major role in the Belinchón *fuero*, and Archbishop Celebruno himself was no stranger to warfighting³⁵. Within the titles of the *fuero* issued by Celebruno, we know that when there was a defensive muster (*fossado*) only one third of the knights were expected to take up

³² *DCPalencia*, 218-220.

³³ “Regnante rege Alfonso in Castella et in Extremadura. Senior in Bellinchon archiepiscopus domnus C(elebrunus)”. Hernández, *Los Cartularios de Toledo*, 153-154; Rivera, *IdT*, II: 100.

³⁴ Rivera, *IdT*, II. 106.

³⁵ Kyle C. Lincoln, “*Mibi pro fidelitate militabat*: cruzada, guerra santa y guerra justa contra cristianos durante el reino de Alfonso VIII de Castilla según las fuentes episcopales”. in *Actas del Congreso de Hombres de Guerra y Religión*, ed. Carlos de Ayala Martínez and J. Santiago Palacios Ontalva. (Madrid: Silex, 2018), 20-21; Kyle C. Lincoln, “Beating Swords into Croziers: A case study of Warrior Bishops in the Kingdom of Castile, c.1158-1214”. *Journal of Medieval History*. (2018): 88.

arms (the footmen being excused) and those who did not go were asked to pay nine *sueldos* in scutage³⁶. Urban knights that went with the archiepiscopal muster from Belinchón were exempt from surrendering one-fifth of the value of any Muslim captives taken as war spoils to the archbishop³⁷. Knights that went with the defensive muster were expected to hand over a fifth of their spoils, but those who were convicted of wrongdoing in the war-band were required to surrender the whole of their booty³⁸. Footmen, rather than surrender a fifth, were only required to hand over a seventh of their spoils³⁹. The archbishop also conceded the rights to fortify and populate the castle to the townsfolk of Belinchón, so that they “should be able to defend yourselves from the pagans and no man without your order and your will shall be able to collect [taxes] in that place”⁴⁰. The role of the raiding host in Belinchón was not the subject of narrative comment in historical chronicles, but the archiepiscopal muster did play a significant role in the victories of the late twelfth and early thirteenth century; it seems certain that Belinchón’s military resources played a role in those campaigns⁴¹. More importantly, however, Celebruno was interested in providing important incentives to ensure

³⁶ “Et quando fuerit fonsado cum tota Castella admonitione vadant de vos tertia pars de cavlleros in illo fossado et pedones nullum fonsado faciant. Et si illa tertia pars de cavalleros mercierint illo fossado, pectent très très solidos aut très très Karneros valentes unusquisque ex eis uno solido”. Rivera, *IdT*, II: 100-103.

³⁷ “Et cavalleros de Bellinchon qui fuerint in gardia, primo erigant cavallos et plagas et postea quintent illud et mauro qui dederint a captivo, de illos non dent quintam archiepiscopo.” Rivera, *IdT* II: 103.

³⁸ “Et cavalleros qui fuerint in fonsado cum archiepiscopo aut cum suo seniore una quinta dent et hiomines de Bellinchon qui a parte de palacio fecerint culpa, su ganado aut sua pignora pignorent et non de sui vicino”. Rivera, *IdT*, II: 103.

³⁹ “Pedones qui fuerint in guardia pro quinto dent septimo”. Rivera, *IdT*, II: 105.

⁴⁰ “Et ad vos homines de Bellinchon, eo quod statis in frontera paganorum, do vobis et concedo vestrum castellium ut habeatis eum per hereditatem ut possitis vos defendere a paganis et nullum hominem sine vestra iussione et vesra voluntate in illo non colligates”. Rivera, *IdT*, II: 105-106.

⁴¹ Kyle C. Lincoln, “In exercitu locus pontificali exerceat: Warrior Clerics in the Era of Fernando III”, in *The Sword and The Cross: Castile-León in the Era of Fernando III*, (Leiden: Brill, 2020) 87-95; Kyle C. Lincoln, “Beating Swords into Croziers: A case study of Warrior Bishops in the Kingdom of Castile, c.1158-1214”. *Journal of Medieval History*. (2018): 91-5, 96-99.

that the host that he mustered was at full strength, by requiring only a share of that muster to show up for most actions and ensuring that the archiepiscopal share was not too great to provide a disincentive.

Taxation, as noted above, played a role in the military affairs of the town of Belinchón, but there was also a considerable concern for the levying of more traditional revenues from the city. “The men of Belinchón should not pay *portazgo* in any lands”, ran item seven⁴². A similar exemption was levied for anyone that brought bread or wine to the town for sale in its markets⁴³. Those who had made gains in the mountainous lands around Belinchón were subject to the *montazgo* tax, paying half to the archbishop and half to the *concejo* of Belinchón⁴⁴. “Livestock from Belinchón should not pay the *montazgo* in the lands around the city and those who require them to should pay it back double”⁴⁵. Clerical livestock were immune from taxation, as were the horses of knights, and those who extracted tax (contrary to that rule) were expected to pay it back double plus an extra fine of 100 *maravedies*⁴⁶. The exemption from taxations, coupled with the free holding of lands that were settled by new residents from Belinchón, were part of the incentives that were issued by the archbishop suggest that it was a major focal point in Celebruno’s efforts to expand the seignorial regime of his archiepiscopate.

The juridical and legal elements in the *fuero* of Belinchón helped to underscore the acquisition of lordship rights over the city by Celebruno as archbishop. Homicides were fined 300 *maravedis*, with an seven-eighths paid to the *palatium* fisc for the archbishop and

⁴² “Homines de Belinchon non dent portado in nullas terras”. Rivera, *IdT*, II: 103.

⁴³ “Et homine qui adduxerit ad Bellinchon panem aut vinum ad vender, non pectet portadgo”. Rivera, *IdT*, II: 105.

⁴⁴ “Et ganados de alteras terras qui montes de Bellinchon steterint dent illo montadgo, medio ad archiepiscopo et medio ad concilio”. Rivera, *IdT*, II: 104.

⁴⁵ “De Ganado de Belinchon non predat montadgo in nullas terras et qui hoc fecerit duplent illud”. Rivera, *IdT*, II: 103.

⁴⁶ “Nullus homo non pignoret ganado de clericos, non descavalget cavallero et non pignoret cavallo de sella nec bestia mular de sella et qui hoc fecerit duplet illud et pectet in coto C morabetinos ad archiepiscopum”. Rivera, *IdT*, II: 103.

the remainder to the victim's family; the same fine was levied for those who killed a Jew that had moved to Belinchon, with the same shares⁴⁷. The charge of homicide would not apply to a wide array of cases where the accused could not be judged responsible, including when animals, water, falling trees, or an open well or a spring should be the cause of death⁴⁸. The townsfolk were allowed to choose their own local officials, like the judges, the *alcaldes* and the *saiones*, but these offices rotated at the start of each year⁴⁹. The lord of the town should not sit in judgement with the judges on Fridays, but instead should allow judges to do their work; if the lord of the town did sit in judgement with the judges, the judges would be forced to pay back double the fines that they imposed⁵⁰. The limitations on the authority of the archbishop, qua lord of the town, were a part of a reciprocal gift-exchange: rights were given to the town and the town reciprocated with military service.

The collection of privileges and requirements enumerated in the Belinchón *fuero* provided a written agreement between the *concejo* of the town and the archbishop. The military service that the town provided was part of its half of the exchange between the two parties, while the archbishop gave certain tax immunities and exemptions. Even if the singular extant parish of Saint Michael the Archangel, had a counterpart, the size of Belinchón's community was generally

⁴⁷ "Qui hominem occiderit de CCCtos morabotinos octavum pectet ad palatio". Rivera Recio, II: 103. "Iudeos qui ad Belinchon venerint populare tale foro eet tales calonias habeant quomodo alios populatores christiainos. Et qui de illo occiderit, octavo pectet". Rivera, *IdT*, II: 103.

⁴⁸ "Nullus homo nn det homicidium per bestiam que occiderit hominem aut per parietem aut per casa aut si fuerit mortuus in aqua aut in silo aut in puteo aut in forte aut si ab arbore fuerit occisus. Per istas totas aut alias qui fuerint similes istas non det homicidium". Rivera, *IdT*, II: 105.

⁴⁹ "Et vos ipsos homines de Bellinchon ponatis vestro iudice et vestro siaone per foro et vestros *alcaldes* similiter et non prendant decims dália causa nisi de pane et vino et de agnis suia tercia et non intrētis in partiicione sed habeatis beneficia per in secula... Iuez et *alcaldes* et *saion* mutant eos ad caput anni". Rivera, *IdT*, II: 104-105.

⁵⁰ "Et senior de la villa non sedeat cum *alcaldes* in die veneris et si ibi sederit, non iudicent *alcaldes* et si iudicaverint, ectent la peticiones ; et in illos *alcaldes* sedeat iudice et merino". Rivera, *IdT*, II: 105.

smaller than its economic impact. The control of the parishes and the people of the salt-mining town was a key element in the wider archdiocesan network of Toledo's patrimony. The judicial elements provided a fee structure for the most heinous of crimes, while still providing for the administration of justice by townsmen that were selected to fill their roles from among their neighbors. The provisions that the archbishop would receive a share of the fines levied ensured that the exchange of locally provided justice for regular funding of the archiepiscopal fisc was an agreement that was mutually-beneficial: regularized judicial fines would, in theory, deter crime by punishing it harshly; archiepiscopal enforcement would help undergird provisions for justice. This kind of clever exchange seems typical of Celebruno's work as a shrewd diplomat and political figure⁵¹.

Palencia

While some have been content to label Ramon de Minerva as a pastorally-inept political official masquerading as a bishop, I have recently argued that the mid-century bishop of Palencia's reputation deserves something of a refurbishment⁵². During his forty year episcopate, Ramon was the recipient of a number of major donations from the crown, including possession of the royal rights over the diocesan see's Jewry, but it is in the 1179 "restoration" of the rights of the episcopate that was most important for the expansion of episcopal influence. Although the bishops of Palencia held the lordship of the town, the closeness between Ramon de Minerva and the king, who was his great-nephew, meant that Ramon exerted

⁵¹ Kyle C. Lincoln, *A Constellation of Authority: The Castilian Episcopate and the Secular Church during the Reign of Alfonso VIII*, (University Park: Pennsylvania State University Press, 2023), 17-34.

⁵² Derek W. Lomax, "Don Ramón, Bishop of Palencia (1148-1184)", in *Homenaje a Jaime Vicente Vivens*, edited by Juan Maluquer de Motes y Nicolau, (Barcelona: Facultad de Filosofía y Letras, 1965) 1: 291; Peter Linehan, *History and Historians*, 248; Peter Linehan, *Spain, 1157-1300: A Partible Inheritance*, 28-32; Lincoln, *A Constellation of Authority*, 35-50.

enormous efforts on behalf of Alfonso VIII during the royal minority⁵³. So great were his efforts – and the expenses that trading away his rights to finance the Castilian crown’s continued independence from Leonese incursions – that, in that 1179 charter, Alfonso VIII called him nothing less than the “restorer of [his] kingdom”⁵⁴.

Resetting the relationship between Palencia’s feudal-episcopal lordship and its citizens pulled the city’s municipal council (*concejo*) into direct conflict with the prelates. Alfonso’s charter notes that Ramon’s episcopate was marked by his alienation of many rights – ostensibly, trading military and economic services for greater immunities and exceptions to particular parts of administrative lordship – to secure the resources necessary to preserve Alfonso’s kingship⁵⁵. While many of those instances are obscured by the “reset” that the 1179 charter offered, it seems clear that Ramon had a very particular set of priorities in the *fuero* that bears his name from 1180 and that these were likely those elements that he wished to keep in the *fuero*, offering immunities and exemptions to the townsfolk in the bargain. Namely, Ramon seems to have prioritized military service, civic tranquility, and encouraging commercial activity in the city.

Military service, for obvious reasons, occupied a major portion of any *fuero*, and the episcopally-issued instance at Palencia was no exception. The *marchio* taxes (assessed at 6 *sueldos* per man in the town⁵⁶) were paid in lieu of providing military service, was also excused for “any man armed by the lord [of Palencia]” and the privilege was extended to family members who survived the armed man, up to provided limits⁵⁷. The *fazendera* taxes were excused from

⁵³ On the lordship of Palencia: Vaca Lorenzo, “El obispado de Palencia”, 46-47, 53-70; *DCPalencia*, 5-9.

⁵⁴ *DCPalencia*, 167-168.

⁵⁵ *DCPalencia*, 167-168.

⁵⁶ “Habeat episcopus in collacios militum vel collationes aliorum hominum ville VI denarius ad marcium et medietatem de homicidio et totum furtum integrum et trauituum”. *DCPalencia*, 171, item 2.

⁵⁷ “Nullus milites armatus de seniore det solidos pro marcio vel aliquid, nec, eo mortuo, uxor eius usque nubat; et postea, cum quali nupserit tale forum faciat similiter;

any of the professional classes that worked in the city, including farriers, millworkers, gardeners, shepherds and fish-masters that worked for the diocese⁵⁸. I have elsewhere noted the rather tortuous phrasing of the 14th item in the *fuero* that allows that citizens of the town could attack the city because they were under the command of their natural lord to do so; this item seems clearly connected to the role played by Palencia and its bishop in the resistance against Fernando II of Leon in the 1160s and the *Infantazgo* wars of the 1170s⁵⁹. Curiously, there was no formal definition for the military service that *was* owed to the bishop for wars or campaigns, but this may be in line with contemporary understandings of customary service and the evolving debate about the general obligation of warriors to their lords that was ongoing in the twelfth century and shifted dramatically in response to similar questions being posed about the Albigensian Crusade⁶⁰. These facts seems especially germane since they bear some similarity to the verbiage of the Belinchón *fuero* and its similar clauses, as noted above⁶¹. Given the reputation of Ramon de Minerva for bellicosity, especially on behalf of his royal great-nephew, it seems sensible to presume the negotiations about these particular requirements were a result of his lobbying for greater musters and the townsfolk extracting concessions about items that were related to the provisioning of soldiers and their lengths of service⁶².

filius militis non det marcium usque quo perveniat ad tepus idoneum milicie”. *DCPalencia*, 176, item 12.

⁵⁸ “Maiordomus canonicorum, mairouinus et sagio, carpenter et ferrero et molinero et ortolano et cellerizo, portero, cozinero, lavandera, et pastor et magister maior de piscaria, omnes isti homines cnaonicrum, non dent in aliqua fazendera et sint excusati de toto”. *DCPalencia*, 178.

⁵⁹ Lincoln, “Beating Swords into Croziers”, 88-90; Lincoln, “Mihi pro fidelitate militabat”, 16-22; *DCPalencia*, 176-177.

⁶⁰ Miguel D. Gomez, “The Battle of Las Navas de Tolosa: The Culture and Practice of Crusading in Medieval Iberia”, PhD. Thesis (University of Tennessee, 2011), 122, 156.

⁶¹ See above, p. X.

⁶² I have elsewhere argued that Ramon should be viewed as a pragmatist, rather than through the lens that Lomax and Linehan have presented: Lincoln, *A Constellation of Authority*, 35-50.

Civic tranquility played an especially important role in most *fueros* and the management of criminal conduct appears in even the most abbreviated *fueros*⁶³. In part, this is owed to their inherent quality as municipal laws, and the frequency with which puckish shenanigans might escalate or relationships between business partners, neighbors, or families might sour in towns of any era, let alone in the medieval period. A concern for domestic tranquility is, for the life of an urban environment, a constant challenge for civic authorities, as has been widely demonstrated by scholars working on the history of settlements in the Medieval Latin West. The *fuero* of Palencia makes a number of provisions for fines that could be levied, as Table 1 demonstrates below, and many of these seem clearly inspired by the kind of quotidian violence associated with nascent urban life in the twelfth century. The bishop received, by the terms of the second item in the *fuero*, half of all the homicide fines, the whole of thefts and treasons.

The fines levied at Palencia, then, run the gamut from small fees for accidental or routine violence to major fines for the most serious of offenses. In some cases, these fines seem prohibitively high – 300 *sueldos*, by the price edicts of Toledo in 1207 could buy two palfreys (at 30 *maravedis* or 150 *sueldos* each) – and were likely meant as an active deterrent and a negotiating point against which judges could mitigate the circumstances and decrease the fines appropriately⁶⁴. It is also worth noting that these fees were more than the mid-tier stipend for canons under the terms of the cathedral chapter's financial reforms in 1213, a fact which further underlines how prohibitive these costs were⁶⁵. These expensive fees suggest both a high need for revenue from the court system in Palencia but also a concern for

⁶³ See, for example, the very brief *fuero* issued by Ramon to the hamlet of Villamuriel, which covers only a few brief topics: *DCPalencia*, 125-126.

⁶⁴ Hernández Sánchez, "Las posturas publicadas por las Cortes de Toledo de 1207 (Nueva edición)", *Historia Instituciones Documentos*, 38 (2011): 257-259.

⁶⁵ Lincoln, "About Three Clerics and Towards a "History from the Middle" for Medieval Castile: Miguel de San Nicolás of Toledo, Gil of Cuenca and Lanfranc di Palacio of Palencia", *Journal of Religious History*, (2022): 17-19.

Item number	Crime	Fine
8	Striking with an open hand	5 <i>sueldos</i>
8	Striking with a lance or with a <i>cultello</i>	10 <i>sueldos</i>
8	Striking but not breaking the skin	5 <i>sueldos</i>
8	Striking with a sword but with a bone not coming out	10 <i>sueldos</i>
8	Striking with a stone, with blood, but not with a broken bone	5 <i>sueldos</i>
8	Striking that causes a “tumor” (welt or a bruise)	As many <i>sueldos</i> as inches in size
9	Plucking or snatching hair from the head or beard	As many <i>sueldos</i> as inches in size
9	Striking in the eye	60 <i>sueldos</i>
9	Two men throw someone to the ground	60 <i>sueldos</i>
9	One man throws another to the ground	10 <i>sueldos</i>
10	Knocking out one of the eight front teeth	60 <i>sueldos</i> per tooth, to a maximum of 300 <i>sueldos</i>
10	Knocking out one of the non-front teeth	5 <i>sueldos</i> each, without maximum
11	Throwing feces in the mouth/face	300 <i>sueldos</i>
11	Dunking the head into the river	300 <i>sueldos</i>
11	Stripping another of their garments	300 <i>sueldos</i>
11	Denuding the bishop while he stays in one’s property	Whatever can be found in the denuders property
15	Imprisoning a man who belongs to the “armed class”	300 <i>sueldos</i>
20	Disrupting the market or the fair of Palencia	60 <i>sueldos</i>
23	Killing a citizen of Palencia	300 <i>sueldos</i>
24	Strike that causes a compound fracture or a broken bone in the head	60 <i>sueldos</i> per bone, up to 300 <i>sueldos</i>
25	Breaking or ripping out an eye	100 <i>sueldos</i>
25	Breaking a hand or foot, cutting or ripping off a finger or toe	60 <i>sueldos</i> per finger or toe (or hand or foot), up to 300 <i>sueldos</i>
25	Pleading guilty to homicide or accepting the charge without denying it	150 <i>sueldos</i> (qua half of 300 <i>sueldos</i>)
27	Rape, with three sworn witnesses	300 <i>sueldos</i>
30	Striking the <i>merino</i> of the bishop to demand satisfaction from the bishop	300 <i>sueldos</i> , plus the cost associated with any injuries

Table 1. Fines associated with petty and major crimes in the 1180 *Fuero* of Palencia.

public order, the combination of which suggests that the morale of Palentines being mustered together could be influenced both by the level of provisions that they had and by the feuds that may have lingered among their number.

Provisions, of course, could not always be obtained as cheaply as the citizens of Palencia might have desired, and tax exemptions attest to the relaxing of taxes on certain staples and necessities as a kind of give-back in the negotiations over military service and judicial prerogatives. Commercial activities also occupied a major component of the *fuero* of Palencia, especially with respect to the payment of taxes on imports and levies that provided for the defense of the city. The items of the *fuero* of Palencia provided for a number of exemptions. Knights that were armed by the bishop and summoned to that cause did not pay the *marchio* tax, and their families were exempt (if the knight fell) until the widow remarried or until a son reached the age of knighthood himself and took up his arms from his lord⁶⁶. Burial and marriage fees were lifted for any citizen of Palencia, too⁶⁷. Townsfolk were only required to pay local taxes on their local properties which were within the *collazos* (taxable districts) of Palencia, rather than on what they owned outside the city⁶⁸. Since most *collazos* centered on a parish church in medieval Castilian cities (although not necessarily in the countryside), it is quite possible to read this tax provision as a kind of tacit indication of the financial and administrative importance of the parishes because of their close relationship to the tax districts. These exemptions, while somewhat minor, do suggest a general concern that the burdens levied on the

⁶⁶ “Nullus milites armatus de seniore det solidos pro marcio vel aliquid, nec, eo mortuo, uxor eius usque nubat; et postea, cum quali nupserit tale fórum faciat similiter; filius militis non det marcium usque quo perveniat ad tepus idoneum milicie”. *DCPalencia*, 176.

⁶⁷ “Nullus vicinus vel vicina de Palentia det aliquid vel pectet pro portos vel aliquid pro eis roget; sed matrimona sint libera”. *DCPalencia*, 178.

⁶⁸ “In tota Palentia, nullus vicinus alium pendret, nisi cum sagione et portario episcopi, exceptis illis qui collazos habeat, qui possunt pendrare suos collazos sine sagione et portatio episcopi et sine calumpnia”. *DCPalencia*, 180.

townsfolk were not overtly oppressive, contrary to many of the portraits of lordship in the world of the Medieval Latin West. Of course, the idea of a *fuero* that was negotiated is muddied by the fact that the Palencian *fuero* was negotiated as a result of royal favoritism for the bishop, likely at the expense of the *concejo*, so Ramon de Minerva's issuance might be more generous than most.

Comparanda, Palea, and Conclusions

The four extensive *fueros* studied above present a muddy portrait of justice and episcopal juridical administration in the long twelfth century in Leon-Castile. It is quite clear that, given this set of data, military obligations, what we might term “criminal law” and the fiscal concerns were the most dominant elements of these law-codes. From these basic observations, we can draw some important conclusions but a deeper exploration of less extensive but no less intriguing sets of data helps to provide greater context for the act of episcopal law-giving and the importance of the product of that lawgiving as a function of civic lordship. The context of minor law-codes provides the husks – the *palea*, to borrow from canon law – that illustrate the wider reach of these kinds of codes as they spread out from major centers of the countryside, and help us evaluate the ways that episcopal lordship might have permeated the diocesan territory over which the bishops reigned.

Barrero García and Alonso Martín, in their 1989 inventory of Spanish *fueros*, counted only a few dozen episcopal *fueros* in Castilian and Leonese archival collections, and only a few more abbatial ones⁶⁹. When we factor in Powers' important observations about the impact of *fuero* models (like that of Ávila) that are no longer extant, it seems reasonable to assume that easily more than double that inventory

⁶⁹ Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 531-534.

should have survived⁷⁰. For example, in the case of Palencia, we know that *fueros* were issued to the towns of Villamuriel (1162) and Mojados (1176), both during Ramon's episcopate, but that these privileges were far smaller than that which was given to Palencia itself. In the case of Villamuriel, the townsfolk paid only 1 *sueldo* in *marcio* taxes, were required to work on episcopal farms only one day per month and were required to give up half of the fees for homicide but retained the rights to all those fees levied for other crimes⁷¹. Given the very small size of these communities and their distances from Palencia (Villamuriel is only 8 km away, Mojados about 75 km), it stands to reason that these *fueros* were probably brief because the settlements were small at the time and that the key factor was not *what the fueros contained* but rather *that they were conceded and upheld*; put differently, the projection of diocesan episcopal power onto these rural communities was the more important factor. Ramón de Minerva may have played a role in the sponsoring of Villamuriel's parish church of Santa María, whose earliest elements appear to date to the late twelfth century, and Mojados, where the church by the same name dates to the sixteenth century but likely rests on an older site, as elements in his wider administrative network.

If this is the case, we can reasonably speculate that a similar tactic was at work for some of Ramón's contemporaries: the issuance of brief, local *fueros* within their episcopal territory represents their attempt to project centralizing influence over their rural communities; beyond the more overt feudal context, obedience of the bishop by diocesan priests was a lynchpin of the wider apparatus of church governance. Similarly brief *fueros* for subject towns and hamlets in

⁷⁰ James F. Powers, *A Society Organized for War*, (Berkeley: University of California Press, 1988), 219-229.

⁷¹ *DCPalencia*, 125-126.

Burgos⁷², Sigüenza⁷³, Salamanca⁷⁴, Zamora⁷⁵, and Santiago de Compostela⁷⁶ suggest that the recognition of episcopal lordship and modest income from the judicial and tax rights in towns was more important than itemizing all of the obligations that were customary in the twelfth century. These small communities, which may have only had one parish in their midst (if they had one at all), were less important as regions to govern than as proofs of the importance and political power of the prelates that issued them. In many cases, the texts in question are actually *cartas de población* and simply extended already issued fueros to the towns in question, such as was done by Rodrigo de Finojosa for Cabanillas in 1197 that extended the *fuero* of Atienza to the residents of that small settlement in the diocese of Sigüenza⁷⁷. The thirteenth century saw the number of extant *fueros* – and we should underscore the word “extant” given the scattershot survival of texts from the twelfth century in Leon-Castile generally⁷⁸ – explode, especially as the Military Orders increased their expansionist efforts

⁷² Garrido Garrido, *Documentación de la catedral de Burgos, 804-1183*, (Burgos: Garrido y Garrido, 1983), 282-284.

⁷³ Toribio Minguella y Arnedo, *Historia de Sigüenza y sus obispos*, (Madrid: Imprenta de la “Revista de Archivos, Bibliotecas y Museos”, 1910-1913), I: 492.

⁷⁴ José Luís Martín García et al., *Documentos de los archivos catedralicio y diocesano de Salamanca (s. XII-XIII)*, (Salamanca: Universidad de Salamanca), 144-145, 153-154.

⁷⁵ AC Zamora, Tumbo Negro, ff. 145v-146r, cited in Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 135; Lacarra-Vazquez de Parga, *Anuario Historia Derecho Español*, 6, no. 1, (1929): 430-431 cited in Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 241; AC Zamora, Tumbo Negro, ff. 15v-16r, Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 243; AC. Zamora, Tumbo Negro, f. 7r-v cited in Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 317.

⁷⁶ López Ferreiro, *Fueros de Santiago*, I: 159.

⁷⁷ Toribio Minguella y Arnedo, *Historia de Sigüenza y sus obispos*, I: 492.

⁷⁸ In the twelfth century, only a few dozen of documents survive from Ávila and even fewer from Ourense: Ángel Barrios García, *Documentos de la Catedral de Ávila (Siglos XII-XIII)*, (Ávila: IMCODAVILA, 2004), 23-91; Emilio Duro Peña, *Documentos da Catedral de Ourense*, (Santiago de Compostela: Concello da Cultura Galega 1996), 15-40.

in Andalucía⁷⁹. The issuing of a *fuero* was likely followed up by its enforcement, and clerical structures of control put prelates at the center, with diocesan parish priests as one of the most local fingers of the episcopal hand.

What also appears quite apparent is that, as the twelfth century wore on, episcopal *fueros* grew progressively longer as the transition toward more extensive and formalized written law-codes replaced earlier oral and tribal tradition. The *fuero* issued by Diego Gelmírez for Compostela's *campesinos* is far shorter than that issued by Ramon de Minerva for the city of Palencia. Even accounting for any presumed differences between the two cities' size, wealth, and political importance, the length of Palencia's *fuero* still dwarfs that of Compostela, and Diego Gelmírez was no less intense a political and social actor as Ramon de Minerva. The fifty-some years that separate the two codes should not be read as a small gap that provided the narrow space for some revolutionary innovation, but rather for what it was to those that lived in those days: a lifetime. I have recently argued that the scarce sources for Castile's lower and middle classes in the long twelfth century can be augmented by reading the sources from ecclesiastical institutions more carefully, and reconstituting a kind of "history from the middle"⁸⁰. I would further argue that the legal history of Leon and Castile can pay more attention to these clerically-authored municipal law-codes, since they incorporate many of the contemporary ideas about the Peace and Truce of God and canon law into the everyday life of towns that were otherwise subject to royally-oriented law. These changes can be traced in the clerical law-codes, but they also present a much greater opportunity for

⁷⁹ For the catalog of *fueros* issued by the Military Orders: Ana María Barrero García and María Luz Alonso Martín, *Textos de Derecho local español en la edad media*, (Madrid: CSIC, 1989), 527-530. On the lordships of the Military Orders in La Mancha and Extremadura, see: Carlos de Ayala Martínez, *Los ordines militares*, (Madrid: Marcial Pons, 2007) 617-636.

⁸⁰ Kyle C. Lincoln, "About Three Clerics and Towards a "History from the Middle" for Medieval Castile: Miguel de San Nicolás of Toledo, Gil of Cuenca and Lanfranc di Palacio of Palencia", *Journal of Religious History*, (2022): 237-242.

understanding the ways that bishops understood themselves as lords within their jurisdictions. Small communities, with no more than one or two parishes in their midst, would have hardly needed a formal *fuero* for their governance – even today, Villamuriel has only about 2000 residents – but the fact that one was issued tells us that the bishops were concerned about the recognition of their authority in their diocesan territory. In the case of Rodrigo de Finojosa of Sigüenza, we know that bishops could compile their own canon legal collections simply to ensure that their episcopal rights were respected, and we should think twice about rejecting a reading of these micro-fueros as being apart from this wider goal of ensuring diocesan episcopal control over surrounding towns and their parish churches⁸¹.

Bishops were lords in the towns, hamlets, and cities where they were in possession of lordship rights. In places where they held only partial privileges, they nevertheless exercised many similar prerogatives as a mechanism by which they could guarantee the validity of their ecclesiastical administration. Exerting more control over local parishes, where their authority operated at the most fundamental of levels, frequently came by the issuing of local *fueros* for the communities served by those same parishes. While these facts are not in doubt, they are given a greater degree of nuance by the data preserved in the law-codes that were examined above. Future scholarship must examine, relying in part on these fueros and in part on other evidence examined in detail, whether the exercise of power by the bishops as lords within their diocese over the small parochial hamlets operated in parallel to that same work done by counts in towns under their ban. In doing so, scholarship may yet determine how closely the data from Castile and León lays congruent to those from other regions of Latin Christendom, as well as how closely grouped the scatterplots of episcopal and comital authority were. It is quite clear that fines and bans that were issued were as much about ensuring the incomes

⁸¹ Kyle C. Lincoln, “A Note on the Authorship of the *Collectio Seguntina*”, *Bulletin of Medieval Canon Law*, New Series, 33, (2016): 137-144.

of judicial administration as they were about ensuring domestic good order. Bishops were just as concerned as the maintenance of their military retinues as they were with punishing “qui miserit merdam in bocca alterius”.

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**A CHURCH UNDER INFLUENCE:
THE CISTERCIAN CONVENT OF ODIVELAS
AND THE PATRONAGE OF THE COLLEGIATE
CHURCH OF SÃO JULIÃO DE SANTARÉM
(IN THE THIRTEENTH AND FOURTEENTH CENTURIES)**

Mário Farelo

Universidade do Minho, Laboratório de Paisagens, Património e Território
ORCID 0000-0002-2905-6564

Luís Miguel Rêpas

Universidade NOVA de Lisboa, Instituto de Estudos Medievais
ORCID 0000-0002-5437-9437

Abstract: As part of his strategy for the alienation of property under royal patronage in the city and diocese of Lisbon at the end of the thirteenth century, in 1295, King Dinis donated the collegiate church of São Julião in the town of Santarém to the Cistercian nunnery of Odivelas. The transfer of this royal asset to the nuns marked the beginning of a new stage in the lives of both the church and its newfound patrons. Due to the documentary limitations and lacunae characteristic of the archival reserves of both patron and dependent institutions, it is not always easy to detail the jurisdictional, sociological, economic, and fiscal nuances entailed in the arrangement. Nevertheless, the survival in the Odivelas archive of a hitherto completely overlooked and unstudied set of fourteenth-century documents concerning the church of São Julião reveals some of the aspects involved, especially in terms of the nomination, remuneration, and activities of the clergy serving in São Julião.

Resumo: No âmbito da estratégia de alienação dos bens sob padroado régio na cidade e diocese de Lisboa, em finais do século XIII, em 1295, o rei D. Dinis doou a igreja colegiada de São Julião, na vila de Santarém, ao mosteiro cisterciense de Odivelas. A transferência deste património régio para as monjas marcou o início de uma nova etapa na vida da igreja e dos seus novos patronos. Devido às limitações e lacunas documentais que caracterizam os acervos arquivísticos de ambas as instituições, nem sempre é fácil detalhar as nuances jurisdicionais, sociológicas, económicas e fiscais que o acordo implicava. No entanto, a sobrevivência no arquivo de Odivelas de um conjunto documental do século XIV, relativo à igreja de São Julião, até agora completamente ignorado, revela alguns dos aspectos envolvidos, sobretudo no que diz respeito à nomeação, remuneração e actividades do clero que servia em São Julião.

Introduction

On February 27, 1295, King Dinis, of Portugal, founded and endowed the convent of Odivelas, with the agreement of the Bishop of Lisbon (João Martins de Soalhães) and his Chapter, the support of the abbot (fray Domingos) and brothers of the monastery of Alcobaça¹ and with the authorisation of the abbot of Cîteaux (fray Roberto) with the abbots convened in the Cistercian General Chapter².

¹ Arquivo Nacional da Torre do Tombo (=ANTT), *Ordem de Cister. Mosteiro de Odivelas*, L.º 1, fl. 7 and ANTT, *Ordem de Cister. Mosteiro de Alcobaça*, 1.ª Incorporação, Documentos Particulares, mc. 20, no. 2, published by Fr. Francisco Brandão, *Monarquia Lusitana. Quinta Parte* (Lisbon: Oficina de Paulo Craesbeeck, 1650 [New edition with introduction by A. da Silva Rego and notes by A. Dias Farinha and Eduardo dos Santos. Lisboa: Imprensa Nacional – Casa da Moeda, 1976]), 325v.º-327v.º (translated on pages 145-149) and Saul António Gomes, coord., *Mosteiro de Odivelas: documentos fundacionais* (Odivelas: Câmara Municipal de Odivelas, 2021), 118-124, doc. 2, with translation on pages 124-129 and facsimile reproduction at the end of the work.

² The authorization given by Roberto, abbot of Cîteaux, and by the assembly of the abbots of the General Chapter, at the suggestion of the abbot of Alcobaça, is contained in a letter issued in Cîteaux, in 1294, at the time of the General Chapter (ANTT, *Ordem de Cister. Mosteiro de Alcobaça*, 1.ª Incorporação, Documentos Particulares, mc. 19, no. 53 and *Livro 2 dos Dourados de Alcobaça*, doc. 204, fls.

Included in the endowment that Dinis bestowed on Odivelas, was the transfer of his right of patronage in the churches of São Julião in Santarém and Santo Estêvão in Alenquer, and, in the following month, on March 23, 1295, Dinis made a solemn donation of these two churches to the newly founded nunnery³.

With the patronage of the church of São Julião de Santarém passing to Odivelas, it is only natural that a portion of the records relating to the church came to be stored in the Odivelas registry, being thereby subsumed into the general archival collection (*fundo*) of the nunnery. Importantly, the items comprising this documental subset bear witness to the institutional and fiscal ties between the church of São Julião de Santarém and its patron institution, the convent of Odivelas, a still much neglected issue in the study of patronage rights in medieval Portugal⁴.

116v.º-117; published by Brandão, *Monarquia Lusitana. Quinta Parte*, 327v.º-328 (translated on page 150) and Gomes, *Mosteiro de Odivelas*, 115-116, doc. 1, with translation on pages 117-118 and facsimile reproduction at the end of the work).

³ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 3 and ANTT, *Ordem de Cister. Mosteiro de Alcobaça*, Documentos Régios, mç. II, no. 33, published by Rosa Marreiros, ed., *Chancelaria de D. Dinis. Livro II* (Coimbra: Palimage and Centro de História da Sociedade e da Cultura, 2012), 389-392, doc. 370 and Gomes, *Mosteiro de Odivelas*, 132-133, doc. 4.

⁴ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fls. 1-3, 5 and 87-173; L.º 3, fl. 239 (with documents dated from 1295 to 1734). In fact, the study of the right of patronage in medieval Portugal has focused mainly on its existence in a specific city (e.g., Braga, Évora, Lisbon) and on the scope and chronological evolution of a specific type of patronage (royal and more rarely private), with practically no in-depth study of the fiscal dimension of this right (Maria Alegria Fernandes Marques, “Alguns aspectos do padroado nas igrejas e mosteiros da diocese de Braga (Meados do século XIII)”, in *Actas do Congresso Internacional sobre o “IX Centenário da Dedicção da Sé de Braga*, vol. II/1 (Braga: Universidade Católica Portuguesa – Faculdade de Teologia – Cabido Metropolitano Primacial de Braga, 1990), 359-387; Hermínia Vasconcelos Vilar, “Réseau paroissial et droit de patronage dans le diocèse d’Évora (XIIIe-XIVe siècles)”, in *L’espace rural au Moyen Âge: Portugal, Espagne, France (XIIe-XIVe siècle). Mélanges en l’honneur de Robert Durand*, dir. by Monique Bourin et Stéphane Boisselier (Rennes: Presses universitaires de Rennes, 2002), 125-140 [En ligne: <http://books.openedition.org/pur/19898>]; Mário Farelo, “O direito de padroado na Lisboa medieval”, *Promontoria* 4/4 (2006): 267-289; Mário Farelo, “O padroado régio na diocese de Lisboa durante a Idade Média: uma instituição *in diminuendo*”, *Fragmenta Historica – História, Paleografia e Diplomática* 1 (2013): 39-107; Gonçalo Melo e Silva, “Espiritualidade e Poder na Lisboa dos Finais da Idade Média: a Colegiada de São Lourenço e os seus Patronos (1298-1515)” (M. A. diss., Universidade Nova de Lisboa, 2012). By presenting the specific case of the fiscal “dominion” of a Cistercian convent over an urban

One remarkable aspect of this collection is the complete absence of documents concerning the management of properties belonging to the church, especially emphyteutic contracts, which are well known to be one of the most prominent features of the medieval documentary reserves accumulated in Portuguese religious houses. One can only assume that these were kept in Santarém in the church's own registry. Sadly, of this registry, nothing has survived from the medieval period and in the Portuguese National Archive, the Torre do Tombo in Lisbon, all that is to be found are some 37 account books, dated between 1716 and 1828⁵.

It is evidential silences such as this that underscore the great value of this documental nucleus which is only now being brought to light for the first time. Given the thematic concerns of this conference, among the various questions that can be put to this archival subset, we have decided to limit our approach to that which allows us to chart the organization of the collegiate church of São Julião de Santarém between the thirteenth and fourteenth centuries, examining the fiscal relationship between the Cistercians of Odivelas and São Julião and, when possible, identifying the clergy that served it and attempting to discern some of the conditions of their recruitment.

1. Organization of the collegiate church

The church of São Julião de Santarém was located on the inner wall of Santarém, with its parish aligned along the raised spur leading in the direction of Alfange (a riverside quarter to the south of the town centre), and it formed part of the parish network of the upper-

collegiate church, this work focuses on the operationalisation of a type of patronage (monastic) and a particular dimension of patronage (fiscal) hitherto little studied in Portuguese medieval studies, thus contributing to a better understanding of the variability of its application in the Portuguese ecclesiastical context during the late Middle Ages.

⁵ According to the data provided by the Torre do Tombo's digital archival description platform (<https://digitarq.arquivos.pt/details?id=1380164> [accessed February 2, 2022]).

-town area. São Julião and its neighbouring parishes of São Lourenço and Santo Estêvão were the least developed of those contained within the city walls, in the thirteenth century. Mário Viana, in his extensive investigations into the medieval layout of Santarém has found no record of São Julião before 1209⁶. Through an unpublished memorandum of agreement contained in the subset here under analysis, we discover that the *ecclesia* was organized in a collegiate form in 1226⁷. At that time, Bishop D. Soeiro of Lisbon decreed the creation of five portioners (*raçoeiros*) and exhaustively defined the scheme of their remuneration, both in kind and in money, for their tending “of the altar”. The prohibition on any increase in their number contained in the document appears to have been respected, since in 1389 there are still only five portioners present⁸, which, indeed, is in line with the average number of clergy (in fact six, one vicar plus five portioners) in collegiate churches in the medieval city and diocese of Lisbon.

Although the documents here concerned say little about the operation of the collegiate church, they nevertheless provide unprecedented information on the problem of the payment of distributions to the aforementioned portioners, or “beneficiaries”. From a document dated 1358, we discover that this had been the subject of a constitution

⁶ Mário Viana, *Espaço e Povoamento numa vila portuguesa (Santarém 1147-1350)* (Lisbon: Caleidoscópio / Centro de História da Universidade de Lisboa, 2007), 88 (for the location of the church of São Julião in the urban context, see the “Figura 12 – O desenvolvimento do espaço urbano”, page 74). The first documentary reference is thus found in a bull of Innocent III, given in Viterbo, dated September 11, 1209 (ANTT, *Coleção Especial (Bulas)*, cx. 1, no. 39, mentioned by J. dos Santos Abranches, *Summa do Bullario Portuguez* (Coimbra: 1895), 7, no. 40 and Peter Linehan, *Portugalia Pontificia: Materials for the History of Portugal and the Papacy*, vol. 1 (Lisbon: Fundação Calouste Gulbenkian, 2013), 126, no. 62, and published by Avelino Jesus da Costa and Maria Alegria F. Marques, eds., *Bulário Português. Inocência III (1198-1216)* (Coimbra: Instituto Nacional de Investigação Científica / Centro de História da Sociedade e da Cultura da Universidade de Coimbra, 1989), 273, doc. 140).

⁷ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 97, of June 20, 1226 (inserted in a diploma of May 30, 1351).

⁸ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 108, of March 6, 1389 (with a copy, on paper, on fls. 109-112).

drawn up by Bishop D. Gonçalo Pereira of Lisbon entitled “*Consatis*”⁹. Although the document does not detail the contents of the synodal constitution, this reference to it is a new and important element enabling us to better understand the provisions that the bishop made at a synod convened in 1324, which would provoke reactions from the Santarém clergy¹⁰.

The issue was resolved sometime between 1342 and 1344, during the visitation of Bishop D. Vasco of Lisbon, during which he decided that the receiver of the produce of the church should deliver to the provost (*prioste*) all the portions of the resident portioners, and that the provost would then distribute the said portions to the beneficiaries (portioners)¹¹. However, by 1358, this process was no longer working, as there were resident portioners who were refusing to celebrate mass in protest of the fact that the receiver was delivering portions to their colleagues who were absent. To remedy the situation, Guillaume Carbonnel, the bishop’s representative in Santarém, introduced some stipulations regarding the receiver’s role in the process: he was to deliver to the provost, at the beginning of each month, the wine and the victuals for the resident portioners; the bread, in turn, had to be delivered to the provost when the “granary was shared with the bishop”, so that the portioners had bread all year round and the provost could give each one his right¹².

In this same document, Guillaume Carbonnel set out a few of his findings concerning the behavior of the parishioners of the church,

⁹ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 88, of October 31, 1358 (written in Santarém, in the churchyard of Santa Maria de Marvila). This term is probably a corruption of the expression "Cum satis", which corresponds, as our document mentions, to the remuneration issues associated with clerics' absenteeism from canonical hours. See, on the subject, Isaias da Rosa Pereira, "Visitações de Santiago de Óbidos (1434-1481)", *Lusitania Sacra* 8 (1967-1969): 136.

¹⁰ Maria Helena da Cruz Coelho, "Gonçalo Pereira (1322-1326)", in *Bispos e Arcebispos de Lisboa*, directed by João Luís Fontes and coordinated by António Camões Gouveia, Maria Filomena Andrade and Mário Farelo (Lisbon: Livros Horizonte, 2018), 265.

¹¹ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 88, of October 31, 1358 (written in Santarém, in the churchyard of Santa Maria de Marvila).

¹² *Ibidem*.

which afford a rare glimpse into the pastoral dynamics of São Julião de Santarém at the time. In particular, three problems are highlighted: clergy and laity living in mortal sin by being public *barregões* (living together as a couple whilst being unmarried); lack of attendance at the divine office, and the performance of clandestine marriages.

Carbonnel was resolute in his pronouncements: public *barregões* should be judged by the bishop; parishioners were to attend the liturgical services each Sunday and during feast days and were to receive communion annually at Easter; and, so that the parishioners would not marry clandestinely, Carbonnel ordered that the vicar or a cleric with the cure of souls be present in church to satisfy this sacrament on three Sundays or three feasts. Interestingly, some parishioners stated to Carbonnel that the vicar and the clergymen of the church in fact performed the divine office and the sacraments very well when requested to do so. Apparently then, it was not all bad in at least one parish in mid-forteenth-century Santarém.

The survival of this information, rare in the Lisbon documentation for the period prior to the fifteenth-century visitations, is owed to the fact that it is contained in documents relating to financial affairs between the church of São Julião and the convent of Odivelas to which we shall now turn our attention.

2. Fiscal relations between the Cistercian patron and the dependent parish

King Dinis's charter of endowment of the convent of Odivelas, of February 27, 1295, establishes the limits of the fiscal jurisdiction of the new Cistercian cenobium in terms of the episcopal reservation of tithes, first fruits and mortuaries on the property of the nunnery. In the section referring to the endowed assets, the bishop of Lisbon, while acknowledging the royal donation of the churches of São Julião de Santarém and Santo Estêvão de Alenquer, recognizes the right of the abbess and the nuns to apply the income from the latter to the

“uses” of the convent¹³. The lack of clarification as to what exactly these “uses” are (“uses” that only appear particularised in a document of 1527¹⁴) is compensated for by the condescension to detail when setting out the prerogatives of the ordinary: he has the right to confirm the presentation of the portioners and the vicar, the latter’s presentation being specifically made by the convent and subject to taxation in favour of the ordinary. This cleric is responsible to the bishop for the care of souls of the people and must comply with the decisions of the bishops and the Church of Lisbon, the synodal constitutions, and the payment of the pontifical third. Likewise, the bishop takes charge of the visitation, the reformation, and the correction of all church officials (vicar, portioners, chaplains and clerics) and of his parishioners, and has the right to receive the respective fees consequent upon the episcopal visitation¹⁵.

Significantly, nowhere in the document is reference made to the sharing of church revenues. It is possible to think that this would have taken place before 1299, since, on that date, the letter of presentation of the vicar João Mendes establishes an annual payment in his favor of 250 pounds, in addition to other payments in wine and cereals¹⁶. Following the process regarding his enthronement in the church, it is known that such division would have been made

¹³ The division of church property was subject to episcopal confirmation, as were any changes relating to it. This ordinary prerogative would be more operative in this case, since the right of patronage reverted to the benefit of a monastic institution. Certainly, Bishop João Martins’ particular interest in this division can not be justified only by his role in the foundation of Odivelas, but also by the fiscal benefits he could derive from it, in his capacity as diocesan ordinary.

¹⁴ From this document we know that the income from the church of São Julião de Santarém was to be applied toward the nuns’ clothing or other things that were necessary for them: “*pella dita senhora dona abadesa e convento foy dito em presença de mim notairo appostolico e testemunhas abaixo nomeadas que era verdade que entre as igrejas que ao dito moesteiro e convento sam dadas e unidas per el Rei dom Dinis asi era ha parrocchial igreja de Sam Giam da vila de Santarem ha qual foy añexa e unida ao dito moesteiro com pacto e condiçam que os frutos dela que ao priol pertenciam fosem pera ha vistoria das monjas do dito moesteiro ou pera qualquer outra cousa que lbe necessaria fose*” (ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 119, of April 3, 1527).

¹⁵ Cf., *supra*, note 2.

¹⁶ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 95, of January 5, 1299.

by the bishop of Lisbon. Upon the resolution of this issue, in 1308, the convent of Odivelas would take the annual sum of 800 pounds from the income of the church of São Julião. The remainder would remain to the vicar, “for his maintenance and for his benefit to fulfill and pay all the charges that belong to the said church also from crops and from requests and from fees and all other things in any way that the said church is required to do”¹⁷.

Curiously, this information shows that the famous taxation of Portuguese ecclesiastical goods, carried out by apostolic officials in 1320-1321, can be taken at face value. In fact, the values recorded therein (280 pounds for the vicar and 250 pounds for the common property of the portioners¹⁸) correspond to the share of the income

¹⁷ On the document: “[...] e que o dicto Jobane Meendez de aa dicta abadessa e convento as dictas oytocentas libras em cada huum anno assy como dicto he e que o mays que ouver nos fruytos da dicta eygreia com todolos outros derectos e perteenças e beens que perteencem aa dicta eygreia assy spirituaes come temporaes en qual maneira quer que lhy perteescam que os aja o dicto Jobane Meendez pera sa manteença e pera sa prol pera comprir e pagar todolos carregos que aa dicta eygreia pertecerem tambem de colbeytas come de pididas come de custas come de totalas outras cousas, em qual maneira quer a que a dicta eygreia for tehuda de fazer” (ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 96, of June 20, 1309, illegible [with an undated and unauthenticated copy on page 87]; published, from the copy, by Gomes, *Mosteiro de Odivelas*, doc. 19, pages 155-160, with translation on pages 161-163 and facsimile reproduction at the end of the work). In the power of attorney that he passed in favor of his brother, on September 6, 1304, João Mendes had already committed himself to give the convent of Odivelas what was established in the division that had been made by the bishop of Lisbon: “Ac insuper Ulixbonensi episcopo pontificale tercium et procuracionem seu collectam que racione uisitacionis debantur necnon portiones clericis et stipendia capelanis et thesaurario eiusdem ecclesie ac aliis quibus opus esset et eis uidebitur dandum et ministrandam et propterea monasterio sancti Dionisii de Hodiuellis predicte diocesis summa seu cantitatem pecunie soluendum iusta ordinacionem et diuisionem per dominum Ulixbonensem alibi facta de fructibus redditibus et prouentibus ipsum ecclesie dandum et tribuendum ipsi monasterii et etiam secundum quod idem monasterium anuatim ab eadem ecclesia sancti Juliani habere actenus consueuit” (the power of attorney is copied into the document already referred to in this note). In 1338, the income from the properties of the church of São Julião de Santarém was calculated at 1100 pounds, of which 800 were to be delivered to the convent of Odivelas. The remaining 300 pounds would certainly have been used to pay the vicar (250 pounds) and to purchase the quantities of wine and grain that were to be delivered to this cleric (ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 104; see also the document mentioned in footnote 15).

¹⁸ Stéphane Boissellier, ed., *La Construction Administrative d'un Royaume. Registres de Bénéfices Ecclésiastiques Portugais (XIII^e-XIV^e siècles)* (Lisbon: Centro de Estudos de História Religiosa – Universidade Católica Portuguesa, 2012), 185 [114]: “¶ Item vicariam ecclesiam Sancti Julianii ad ducentas et octaginta libras; ¶ Item comune

belonging to the members of the church, since the share of the church of São Julião de Santarém that belonged to the convent of Odivelas was included in the taxable income of the latter¹⁹. In fact, the documents belonging to the subset confirm such arrangement. A letter from the abbot of Alcobaça, dated 1389, reveals that, according to the division made by the ordinary, the revenues of the church were distributed one third for the bishop and two thirds for the convent. For their part, the abbess and the nuns had to pay the maintenance of the five portioners and the same 280 pounds of the old currency to the vicar, as well as the fees (“procurations”) occasioned at the time of the episcopal visitation²⁰.

It should be stressed that this figure of 280 pounds paid yearly to the vicar could include an estimate of the remaining payments due to him in kind. In fact, at the time of João Mendes’ presentation, the amount of remuneration was set at 250 pounds²¹, and this was the amount in force at the time of his death in 1341. At that time, the letter of presentation of his successor mentions the same 250 pounds, to which the bishop ordered the addition of another 50 pounds, while the new postulant was vicar²².

The absence from the documental subset of the remaining letters of appointment means that we have no information concerning fluctuations in the amounts due to the vicar of São Julião de Santarém. However, the same document of 1389 confirms that the income of

porcionariorum ad ducentas et quinquaginta libras”. The 280 pounds for the vicariary of São Julião de Santarém is confirmed in a diploma kept in the registry office of the convent of Odivelas: “¶ *Vicariam ecclesiam Sancti Juliany Santaren ad CC.^{as} et obtuaginta libras*” (ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 5, published in the end of this paper).

¹⁹ “¶ *Item monasterium domnarum de Odivellis cum ecclesiis Sancti Jullyani Sanctarensis et Sancti Stephani de Alanquerio et Sancti Julliani de Freelis cum viccarya a duo millia libras*” (Boisselier, *Construction Administrative*, 180 [5, 6, 7, 8]).

²⁰ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 108, of March 6, 1389 (with a copy, on paper, on pages 109-112).

²¹ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 95, of January 5, 1299.

²² ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 103, of May 17-18, 1341 (with a copy of February 9, 1634, on paper, on pages 131-138).

the church was affected by the possibility of fluctuations and that this had an impact on what could be apportioned²³. As we know, whilst the Plague of 1348 had immediate moral and spiritual consequences, the serious demographic and economic repercussions were severely aggravated by the Fernandine wars that devastated crops and drastically reduced the manpower available for tilling the land. As a result of this evil triplex, the church estates were not farmed as they once were, at a time when most of the church's labourers had died, casualties of plague, starvation, or war. Therefore, at some uncertain date, but somewhere in the third quarter of the fourteenth century, the convent of Odivelas and the collegiate church made an agreement whereby the former granted their respective portioners one of the two parts of the revenues that belonged to Odivelas. From the remaining part, the nuns would pay the amount due to the vicar.

This agreement would be altered after the king of Castile invaded Portugal and occupied Santarém, around 1384-1385, when, because of this military intervention, the church was damaged and its estates "completely destroyed", the farmers killed or driven away, and the farms of the church "stripped and precipitated into wilderness and forest". So, after the king of Castile left Santarém, the abbess and the nuns of Odivelas could not pay the 280 pounds that the incumbent vicar was to receive from the convent for his provision and maintenance, which was to be payed out of their remaining third part of the produce of the church. For this reason, the abbess and the convent had to resort to other revenues to pay the vicar and to supply the expenses of the church, thereby suffering great financial loss. By then, the vicar Estêvão Anes wanted to sue the abbess and the convent for arrears of three years of unpaid provision, which, with the

²³ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 108, of March 6, 1389 (with a copy, on paper, on fls. 109-112). The convent suffered along with other institutions the loss of income during the period, as was the case of the Portuguese University, for example (André de Oliveira Leitão, "A universidade medieval portuguesa e os problemas do seu financiamento [II]: os conflitos entre *studium* e Igreja durante o século XIV", *Revista de História da Sociedade e da Cultura* 19 (2019): 54-56).

devaluation of the currency, amounted to 2000 pounds. Both parties finally came to an agreement by which the convent of Odivelas gave up the last third of the church's produce in favor of Estêvão Anes, "in his lifetime or while he was vicar", so that he "would be more or less content through this" and no longer demanded from the community of Odivelas his past and future provisions. The nuns also passed to him the obligation of meeting the expenses of the church and financing the bishop's visitation costs.

This new arrangement freed the nuns from the last financial obligations towards one of the most important churches of their patronage whilst, simultaneously, they gave up any income they might have hoped to receive from it²⁴. Nevertheless, although the financial benefits from the church were lost to them, the nuns maintained their patronage rights over it, thereby maintaining their spiritual relations with the respective parishioners that such rights usually entailed.

The situation was only belatedly reversed in 1527 in a new agreement between the abbess of Odivelas, Violante Cabral, and the vicar of the church (who was already an old man and therefore concerned to unburden his conscience and to save his soul), after the nuns had obtained from Pope Clement VII (1523-1534) a rescript in their favour²⁵.

Of course, the extinction of the financial obligations of the patron towards the client parish for 138 years may well be the reason there is a lack of information of this kind in the Odivelas archive for that period.

Further, along with information of a fiscal nature, also lost was precious information on the identification and recruitment of the vicars who passed through the church. Even if the study of recruitment to the vicariate of this church does not fully explain the fiscal context

²⁴ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 108, of March 6, 1389 (with a copy, on paper, on fls. 109-112).

²⁵ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 119 (of April 3, 1527). This agreement was later confirmed in an apostolic letter (ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 90, original, and fls. 149-150v.º, paper copy).

analysed above, clarification of the process involved constitutes an important element contributing to a better understanding of the application of this right to patronage an integral part of which was the right to appoint the respective vicar. It is therefore to this that we will now turn our attention.

3. Identification and brief analysis of recruitment of vicars to São Julião de Santarém (thirteenth and fourteenth centuries)

The documental subset here at issue only affords knowledge of the vicars of São Julião de Santarém from the time of the donation made by the king, in 1295. For the preceding period, the few existing references are gathered principally from apostolic documentation. The earliest document referring to the church is dated 1209 and reveals that Pope Innocent III trusted the ability of its rector to resolve the legal matters of ecclesiastical jurisdiction that had arisen between the two largest monastic houses in Portugal, the monastery of Santa Cruz de Coimbra, and the monastery of Alcobaça²⁶. A similar letter, of 1233, demonstrates that this trust was maintained during the pontificate of Gregory IX²⁷. Designated by benefice and not by name, we deduce that such clerics must have had at the very least, sufficient juridical training to deal with intricate questions of canon law. Even so, we do not know if they had other institutional links to the papacy or the crown, or even if they accumulated other benefices.

²⁶ Cf., *supra*, note 6.

²⁷ ANTT, *Coleção Especial (Bulas)*, cx. 2, no. 54, mentioned in Linehan, *Portugalia Pontificia*, vol. I, 223, no. 259.

Cronology	Name	Observations
1209	[...]	[...]
1233	[...]	[...]
1234	P. Pais	Canon of Lisbon, prior of the collegiate church of São Tomé de Lisboa, he was chaplain to the Castilian cardinal Gil Torres, with whom he was present at the pontifical curia in 1229.
1263	Durão Pais	Canon of Braga, chancellor of the queen of Portugal, prior of the collegiate church of Santa Maria de Óbidos, he would be elected bishop of Évora (1267-1283).
a. 1299	D. Domingos Peres	Records show that on January 5, 1299, the church was vacant on account of his death.

Table 1. Rectors of the church of São Julião de Santarém in the thirteenth century.

We can confirm both items of information listed in the above table concerning the rector P[edro] Pais. Chaplain of the Castilian Cardinal Gil Torres, prior of the collegiate church of São Tomé in Lisbon, and a canon of the Lisbon chapter, he was presented to the church of São Julião de Santarém by the king in about 1234. Since he already held an ecclesiastical benefice in Lisbon, P[edro] Pais managed to persuade the Pope to charge the archbishop of Compostela with confirming his benefice in Santarém, by virtue of “his personal merit” and the fact that his benefices up to that time had only allowed him to maintain himself for “only half the year”²⁸. Pedro Pais’ connection with Cardinal Gil Torres was previous to this appointment since both men are attested in the pontifical curia in 1229²⁹.

Later, in 1263, Durão Pais, canon of Braga and chancellor of the Queen of Portugal, would be given a dispensation so that he could

²⁸ Lucien Auvray, ed., *Les Registres de Grégoire IX*, Tomo 1 (Paris: Albert Fontemoing, 1896), no. 1935, written at Rieti, May 31, 1234: “*Archiepiscopo Compostellano committit quatenus, – cum P. Pelagii, canonicus Ulixbonensis, capellanus Aegidii, Sanctorum Cosmae et Damiani diaconi cardinalis, ad vacantem ecclesiam Sancti Juliani Santarenensis per Portugaliae regem, patronum ipsius, esset Ulixbonensi capitulo praesentatus, et ipse P. peteret ut ad eam, non obstante ecclesia Sancti Thomae Ulixbonensis, quam tunc obtinebat, de qua cum praebenda sua vix poterat per medietatem anni commode sustentari, per ipsum papam admitteretur, – consideratis personae meritis et reddituum sufficientia competenti, super praemissis prout viderit expedire, provideat*”.

²⁹ Auvray, *Gregoire IX*, no. 307.

simultaneously hold several benefices, including one in the church of São Julião de Santarém and another in that of Santa Maria de Óbidos, both in the diocese of Lisbon³⁰. Whilst we know little more of Pedro Pais, by contrast, Durão Pais had a stellar career being nominated, still in the 1260s, as bishop of Évora³¹. Our documental subset further discloses some details pertaining to the life and the vicariate of João Mendes (1299-1341). This former “servant of the convent” was presented by the abbess and the nuns in 1299³² and, after a lengthy legal dispute in the Apostolic Curia with a dependent of the bishop of Lisbon that was already ongoing in 1303, he was finally recognized in the benefice towards the end of 1308³³.

³⁰ Archivo Apostolico Vaticano (=AAV), *Reg. Vat.* 27, fl. 72, no. 2, *Exhibita nobis devotionis*, given at Orvieto, that of May 4, 1263 (published by Jean Guiraud, ed., *Les Registres d'Urbain IV (1261-1264)*, tomo 1 (Paris: Albert, 1901), no. 267 and Ildefonso Rodríguez de Lama, ed., *La documentación pontificia de Urbano IV (1261-1264)* (Roma: Instituto Español de Historia Eclesiástica, 1981), 111-112, no. 68).

³¹ We can read his biography in Leontina Ventura, “A Nobreza de Corte de D. Afonso III” (PhD diss., Universidade de Coimbra, 1992), vol. 2, 768-770 and Hermínia Vasconcelos Vilar, *As Dimensões de um Poder. A Diocese de Évora na Idade Média* (Lisbon: Editorial Estampa, 1999), 57-61 (on page 66 this author refers to the library, with books on theology, that Durão Pais left to his successor in the episcopal chair of Évora, Dom Domingos Anes Jardo, and that he handed over, in his will, in 1291, to the hospital of São Paulo).

³² ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 95, of January 5, 1299.

³³ For the different procedural pieces of this lawsuit preserved in the former archive of the convent, see ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 3, fl. 239 (sentence of the apostolic auditor *Onofrius de Trebis*, dated April 13, 1303); L.º 2, fl. 96 (João Mendes’ power-of-attorney dated September 6, 1304, exemplified in a royal letter original, illegible – there is an undated and unauthenticated copy, but in good condition, on page 87 –, published, from the copy, by Gomes, *Mosteiro de Odivelas*, doc. 19, pages 155-160, with translation on pages 161-163 and facsimile reproduction at the end of the work); fls. 91, 92, 115-118 (3 exemplars of the same Clement V’s letter, dated June 19, 1306); fl. 93 (another letter by the same pope, dated July 1, 1306); fl. 102 (letter of the apostolic auditor Beltramino de Milão, dated March 11, 1307); fl. 95 (dated December 28, 1308, by order of the archbishop of Braga, with his seal, which is a certified copy of the letter of presentation of João Mendes as vicar of São Julião de Santarém, by the abbess of Odivelas issued on January 5, 1299). The king determined that João Mendes had to pay from 1309 onwards the yearly amount due to the convent, according to a royal letter of that year, a proof that the lawsuit had been resolved in his favour. Nevertheless, in 1314, he was still trying to retrieve the expenses he had won from that lawsuit before the curial courts (see respectively ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fls. 96, 87 [dated June 20, 1309] and fl. 114 [dated January 21, 1314]).

João Mendes had multiple affinities with Coimbra. Designated as a cleric of that diocese, he accumulated his vicarage of São Julião de Santarém with a portion in the church of São Cristóvão de Coimbra³⁴. In 1337 he made his will in Coimbra, in which he determined that if he died in that city or in its circuit (*termo*), he should be buried in the church of São Cristóvão. He left to the church, for this purpose, five pounds and an olive grove in Vila Franca (in the circuit of Coimbra)³⁵, if the prior and the chapter accepted that he be buried inside the church, near the altar of St. Christopher (“at the foot of the steps before the altar of St. Christopher”) or before the crucifix (“before the crucifix or inside, before the door of the vestry”)³⁶, and he also required that they dedicate an anniversary to him with an officiated mass on the day of his burial, and that they pass over him with a cross, incense and holy water. He also added as a condition that one of his servants named Lourenço should keep this olive grove while he lived, receive its fruit (*colheita*), and give twenty *soldos* annually to the church for his anniversary. After the death of this servant of his, the olive grove was to remain to the church of São Cristóvão, and as many anniversaries were to be recited there for his soul as there were pounds received from the income of the grove. In the case that the prior and the chapter of the church did not want to give him that burial or perform those anniversaries, then he wanted to be buried in São Domingos, next to his brother, Frei Estêvão

³⁴ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 96 (original, of June 20, 1309), 87 (copy), published from the latter by Gomes, *Mosteiro de Odivelas*, doc. 19, pages 155-160, with translation on pages 161-163 and facsimile reproduction at the end of the work. On June 7, 1337, and December 5, 1340, he is still referred to as a *raçoeiro* in the church of São Cristóvão de Coimbra (ANTT, *Colegiada de São Cristóvão de Coimbra*, cx. 1, mç. 6, no. 2 and ANTT, *Ordem de Cister. Mosteiro de Celas*, mç. 4, no. 8, this one published by Maria do Rosário Barbosa Morujão, *Um Mosteiro Cisterciense Feminino. Santa Maria de Celas (século XIII a XV)* (Coimbra: Biblioteca Geral da Universidade de Coimbra, 2001), doc. 187).

³⁵ Besides this property, his will only mentions a vineyard (with an olive grove) in Coimbra, in the circuit (*termo*) of Gemil.

³⁶ «a so os degraos dante o altar de Sam Cbrisprovam»; «ante o crucifixo ou dentro ante a porta do outintal» (see the following note).

Mendes, inside the church, leaving them ten pounds for this purpose³⁷. His brother lived in the Dominican convent of Coimbra, being documented as the prior of the community in 1302 and 1317³⁸.

We also learn from his will that João Mendes had received training in the convent of São Domingos, for which he was grateful, bequeathing the convent his Bible³⁹. He also had other books although, unfortunately, he does not itemise them. He possessed dwelling houses in Coimbra which he ordered to be given, with their improvements, to the abbess of the Cistercian nunnery of Santa Maria de Celas⁴⁰. They would certainly have been houses in Rua Nova, backing onto the city wall, which had belonged to two nuns from that nunnery⁴¹. Indeed, João Mendes particularly favoured the convent of Santa Maria de Celas, leaving it seven pounds for a pittance, and another five pounds for Clara Martins, a nun of the convent, so that she would pray to God for him and for those from whom he had received the money⁴². Indeed, João Mendes' close relations with this female house

³⁷ ANTT, *Colegiada de São Cristóvão de Coimbra*, cx. 1, mç. 6, no. 2 (original, of June 7, 1337) [we thank Dr. Maria Amélia Campos for having helped us in the discovery of this document and for providing its digitalization]. Saul António Gomes refers to João Mendes' intention to be buried in São Domingos, without mentioning that this would only happen if the prior and the Chapter of São Cristóvão de Coimbra did not accept the conditions he presented for burial in his church, because he was following BGUC's lesson (BGUC – *Código 636*, fl. 226-226v.^o), where we find a truncated transcription of this will made by João Pedro Ribeiro (Saul António Gomes, "As Ordens Mendicantes na Coimbra Medieval: notas e documentos", *Lusitania Sacra* 10 (1998): 177 and 179).

³⁸ Maria Helena da Cruz Coelho and João José da Cunha Matos, "O Convento Velho de S. Domingos de Coimbra (contributo para a sua História)", *Arquivo Histórico Dominicano Português [Actas do II Encontro sobre História Dominicana]* 3/2 (1986): 50.

³⁹ An aspect highlighted by Gomes, "As Ordens Mendicantes na Coimbra Medieval", 177 and 179.

⁴⁰ ANTT, *Colegiada de São Cristóvão de Coimbra*, cx. 1, mç. 6, no. 2 (original, of June 7, 1337).

⁴¹ ANTT, *Ordem de Cister. Mosteiro de Celas*, mç. 4, no. 8 (original, of December 5, 1340); published by Morujão, *Um Mosteiro Cisterciense*, doc. 187.

⁴² ANTT, *Colegiada de São Cristóvão de Coimbra*, cx. 1, mç. 6, no. 2 (original, of June 7, 1337). Clara Martins had been married to Martim Peres, the king's clerk in Oporto, and meanwhile had annulled her marriage so as to profess in the convent of Santa Maria de Celas, in Coimbra, where she is documented as a nun between 1293 and 1340. Clara Martins had in her possession (on loan) the houses where João Mendes lived. It is not known how much rent João Mendes received for them, but it

could explain his connection to the convent of Odivelas, since he was presented as vicar of the church of São Julião de Santarém by Elvira Fernandes, the first abbess of Odivelas (1295-1299), who may well have come from the convent of Celas, where a nun with that name is documented in 1268⁴³.

João Mendes is mentioned for the last time as still living in Decembre 5, 1340⁴⁴, but he apparently died soon after, since on May 17, 1341, Gil Esteves was presented to the vicariate⁴⁵. His condition as canon of the church of Santa Maria de Alcáçova gives rise to the suspicion that, unlike João Mendes, this new vicar had possessed deeper roots in the town of Santarém. It is not known if he belonged to the queen's household, a connection that emerges in 1332 with the granting of an expectative grace of a portion in the church of São Julião de Santarém to one Lourenço Afonso, at the request of Portuguese queen, Elisabeth (Isabel) of Aragon, whilst at about that same time, a certain Pedro Afonso, a cleric in the queen's service, received another portion in the church⁴⁶.

In this regard, we recall that Queen Elisabeth appears with King Dinis, her husband, in all the royal donations made to the convent of Odivelas and that the seal of the abbess of Odivelas, in 1318,

is known that, after his death, Clara Martins received three pounds of annual rent from the tenants who came to inhabit these houses (Morujão, *Um Mosteiro Cisterciense*, 144 and 438-439 (doc. 187); Luís Miguel Rêpas, "Esposas de Cristo. As Comunidades Cistercienses Femininas na Idade Média" (PhD diss., Universidade de Coimbra, 2021), vol. 2, tomo 1, 38, note 22).

⁴³ Rêpas, "Esposas de Cristo", vol. 2, tomo 2, 466-469.

⁴⁴ ANTT, *Ordem de Cister. Mosteiro de Celas*, mç. 4, no. 8; published by Morujão, *Um Mosteiro Cisterciense*, doc. 187.

⁴⁵ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 103, of May 17-18, 1341 (with a copy of February 9, 1634, on paper, on fls. 131-138).

⁴⁶ See, respectively, Guillaume Mollat, ed., *Jean XXII (1316-1334). Lettres communes analysées d'après les registres dits d'Avignon et du Vatican*. Paris: École Française de Rome, 1904-1947, no. 56389 (February 12, 1332) and no. 58600 (October 26, 1332). The relationship with the *Casa da Rainha* was maintained, since in 1377 a chaplain to the queen named João Esteves was a chaplain to the church of São Julião de Santarém (ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 106, of August 20, 1377).

displayed representations not only of the coat of arms of Portugal, appropriate to King Dinis, but also the coat of arms of the Crown of Aragon, allusive to his queen, Elisabeth⁴⁷. We must also remember that, although the nuns of the convent of Odivelas were subject to strict enclosure, as stipulated in the statutes that had been granted by the founding monarch, when these statutes were revised by the king in 1306, it was provided that both he and his wife, Elisabeth, could enter the convent whenever they wanted and with whomsoever they wanted. This privilege was reserved exclusively to them and not enjoyed even by their first-born son (the heir apparent), nor the bishop of Lisbon, nor the archbishop of Braga, nor the abbot of Alcobaça, all of whom could enter only when necessary, accompanied by only two honest people⁴⁸.

Cronology	Name	Observations
1298-1341	João Mendes	Cleric of Coimbra; clergyman of the church of São Cristóvão de Coimbra; who made his will in 1337.
1341	Gil Esteves	Canon of the Church of Santa Maria de Alcáçova in Santarém.
1357-1359	Gonçalo Anes	
1385-1409	Estêvão Anes	In 1385, he was presented to the church of Santo Estêvão de Alenquer by the abbess and nuns of the convent of Odivelas.

Table 2. Perpetual vicars of the church of São Julião de Santarém from the end of the thirteenth to the beginning of the fifteenth century.

Unfortunately, the lack of documents in the subset for subsequent decades prevents us from discovering Gil Esteves's successors save

⁴⁷ ANTT, *Ordem de Cister. Mosteiro de Alcobaça*, 1.^a Incorporação, Documentos Particulares, mç. 27, no. 1, mentioned and published by Luiz Gonzaga de Lancastre e Távora (Marquês de Abrantes), *O Estudo da Sigilografia Medieval Portuguesa* (Lisboa: Instituto de Cultura e Língua Portuguesa, 1983), no. 347, with an error in the reading of the legend and in the identification of the abbess, who, in 1318, was Urraca Pais (cf. Rêpas, "Esposas de Cristo", vol. 2, tomo 2, 521-534, which corresponds to Urraca Pais' biography).

⁴⁸ See Luís Miguel Rêpas, "As abadessas e as monjas do Mosteiro de Odivelas no tempo de D. Dinis", in *Mosteiro de Odivelas: documentos fundacionais*, edited by Saul António Gomes (Odivelas: Câmara Municipal de Odivelas, 2021), 51-77.

for one Gonçalo Anes who, thanks to an apostolic petition, is identified as vicar of São Julião de Santarém between 1357 and 1359⁴⁹.

The end of the century yields a little more information. By a power of attorney addressed to residents in Lisbon, it is known that in 1385 one Estêvão Anes, vicar of São Julião de Santarém, was presented to the vicarage of Santo Estêvão de Alenquer, another church under the stewardship of the convent of Odivelas⁵⁰. He was the vicar, mentioned above, to whom the convent handed over the remaining third of São Julião's income four years later⁵¹. Possibly connected to the city of Lisbon, our documental subset contains references to his action as the convent's procurator (agent) in 1402⁵² and 1405⁵³, with the last reference to him dating in 1409⁵⁴.

Conclusion

To sum up, we have tried to probe the informational potential of a documental nucleus concerning a parish church preserved in the registry of its patronal institution. If the contribution of this nucleus is fairly limited in terms of the identification and sociological profiling of the vicars and portioners of São Julião, the jurisdictional connections between São Julião and Odivelas explains the survival of an important set of administrative and judicial items. As we have seen, the binding thread in this collection is the economic-fiscal link that tied Odivelas to the collegiate church and vice-versa. Indeed, this documental subset

⁴⁹ António Domingues de Sousa Costa, ed., *Monumenta Portugaliae Vaticana*, vol. 1 (Porto: Livraria Editorial Franciscana, 1986), 355, no. 174.

⁵⁰ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 107, of December 23, 1385. Estêvão Anes is documented as the vicar of São Julião de Santarém since August 19, 1385 (ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 9, fl. 86).

⁵¹ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 108, of March 6, 1389 (with a copy, on paper, on fls. 109-112).

⁵² ANTT, *Ordem de Cister. Mosteiro de Odivelas*, Tomo 1.º, Maço ou Cód. 44 (cx. 35), fl. 94, of September 8, 1402.

⁵³ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 6, fl. 13, of January 23, 1405.

⁵⁴ ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 6, fl. 17, of September 16, 1409.

reveals, first, the definition of the responsibilities of each institution, which evolved, with the difficulties arising in the last quarter of the fourteenth century, into a process of economic and fiscal disengagement of the patron house from the dependent church.

In the broader landscape, this is an arrangement that remains largely invisible in the various documentary reserves of dependent parochial churches whose archives present a dearth of prescriptive material but where contracts relating to management of patrimony are in plentiful supply.

Based on documental nuclei such as the example presented here, it will be important to examine the customariness of this disengagement model that appears, from the end of the fourteenth century, to have altered the fiscal relationship between the patron and its dependent⁵⁵. Doubtless, such evaluation will constitute an important step towards deepening our understanding of how rights of patronage were exercised over late-medieval Portuguese ecclesiastical institutions.

Document 1⁵⁶

[1326-1344]⁵⁷ – *Receipt with the payment of the tax for the convent of Odivelas and the churches of its patronage (São Julião de*

⁵⁵ This must be verified or disproved by future examination of other cases. Given the lack of research on this specific issue, no comparison can be made at this time.

⁵⁶ In the transcription that we present, we follow the rules of Avelino de Jesus da Costa, set out in *Normas Gerais de Transcrição e Publicação de Documentos Medievais e Modernos* (Coimbra, INIC, 1993).

⁵⁷ This document is necessarily later than 1326, since it refers to the taxation ordered by the bishop of Lisbon D. João Afonso de Brito, who occupied the episcopal seat between 1326 and 1342 (Bernardo Vasconcelos e Sousa and Mário Farelo, “João Afonso de Brito (1326-1342)”, in *Bispos e Arcebispos de Lisboa*, directed by João Luís Fontes and coordinated by António Camões Gouveia, Maria Filomena Andrade and Mário Farelo (Lisbon: Livros Horizonte, 2018), 277-286). The year 1344 as terminus *ad quem* corresponds to the end of the prelate of his successor, D. Vasco, who was responsible for the following taxation, precisely from that date (see Arquivo Distrital de Braga, *Coleção Especial*, no. 778 and Mário Farelo, “Payer au roi et au pape. Les décimes pontificales imposées au clergé portugais pendant l’époque avignonnaise”, in *Financiar el reino terrenal. La contribución de la Iglesia a finales de la Edad Media (s. XIII-XVI)*, edited by Jordi Morelló Baget (Barcelona: CSIC-Institución Milà I Fontanals-

Santarém, Santo Estêvão de Alenquer, São Julião de Frielas and São João do Lumiar). The values indicated correspond to those of the taxation of 1320/1321.

A) ANTT, *Ordem de Cister. Mosteiro de Odivelas*, L.º 2, fl. 5, receipt neither dated nor authenticated, in good condition, but with a nutgall ink stain affecting the first sixteen lines.

¶ Monasterium de Odivellis cum ecclesiis Sancti Juliany Santarensis et Santi Stephany de Alanquerio et ecclesiam de Freellis cum vicariam ejus ad duo milia librarum.

Pagou o dicto moesteiro por si e pelas dictas egrejas a que he teudo de pagar noveenta e duas libras e mea das cen libras que avya de pagar. E as VII libras e mea ha de pagar o vigairo da igreja de Freellas porque a igreja foi partida despois da tausaçom pelo bispo don Joham Afonso que mandou que o dicto vigayro pagase as sete libras e mea pola dizima das quaes noveenta e duas libras e mea recebeu Bernalde Anes XL^a libras da primeyra paga do primeyro ano pustomeyro dia d'outubro.

Item recebeu em este mesmo dia Gonçale Steveenz L^a e duas libras e mea.

¶ Ecclesiam de Luminary ad CCC^{as} libras.

Pagou o moesteiro d'Odivellas pelo que recebe da dicta igreja convem a saber Gonçalo Steveenz nove libras e mea da primeira paga do primeiro ano prestomeiro dia d'outubro.

-Departamento de Ciencias Históricas-Estudios Medievales, 2013), 93). We lean towards a date of redaction close to October 31, 1341, taking into consideration that the first payment of the first year of the tenth biennial granted by Pope Benedict XII to King Alfonso IV, on April 30, 1341, to which this document most likely refers, corresponds to All Saints' Day of 1341: "*Solucionis, siquidem, huiusmodi decime primum terminum primi anni fore statuimus festum Omnium Sanctorum proximo futurum, secundum uero terminum festum Ascensionis Domini post illud proximo secuturum, in alio anno dicti biennij similibus terminis obseruandis*" (*Monumenta Henricina*, vol. I (Coimbra: Comissão Executiva das Comemorações do V Centenário da Morte do Infante D. Henrique, 1960), 178-194, docs. 84-85; cf. Farello, "Payer au roi et au pape", 83-84).

Pagou o vygayro e os raçoeyros pela outra meatade que elles recebem nove libras e mea e asy he pagado todo o da egreja com o cumum dos raçoeyros da primeyra paga do primeyro ano prestomeyro dia d'outubro. Esto recebeu Bernalde Anes.

¶ Vicariam ecclesiam de Freellis debet solvere pro ea monasterio de Odivellis C.^m quinquaginta libras.

Pagou o vigayro desta egreja da primeira paga do primeiro ano dia primeyro de novembro sete libras e mea. Esto recebeu Gonçalo Steveez.

Non pagou o moesteiro porque o bispo dom Joham Afonso a fez partir e a partiu depois da tusaçom e mandou que o vigayro pagase a dizima da vigaria.

¶ Vicariam Sancti Stephany de Alanquerio ad CC.^{as} libras pro qua debet solvere monasterio de Odivellis.

Pagou o dicto moesteiro d'Odivellas pela dicta vicaria da primeyra paga do primeyro ano prestumeiro dia d'outubro dez libras. Esto recebeu Bernalde Anes.

¶ Vicariam ecclesiam Sancti Juliany Santarensis ad CC^{as} et obtuaginta libras.

Pagou o dicto vigairo desta egreja da primeyra paga do primeyro ano pela dicta egreja prestumeyro dia d'outubro quatorze libras. Esto recebeu Bernalde Anes.

On the verso (various hands):

5 [in a perpendicular direction to the text that follows]

Dizimas papaaes.

Do que pagou este mosteiro polas suas ygrejas.

Odivelas.

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**THE EXERCISE OF PATRONAGE BY THE
COLEGIADA DE GUIMARÃES IN THE CHURCH
OF SÃO MIGUEL DO CASTELO DURING THE
FOURTEENTH AND FIFTEENTH CENTURIES**

Aires Gomes Fernandes

Universidade de Coimbra, Faculdade de Letras

ORCID ID: 0000-0002-1944-5419

Abstract: The church of São Miguel do Castelo belonged to the patronage of the collegiate church of Santa Maria da Oliveira. This article explores the dynamics and procedural involvement of this connection throughout the fourteenth and fifteenth centuries. Patrons were usually responsible for presenting the parish priest whenever the office became vacant. With this case study, a better understanding of the entire process – from the moment a church was ‘vacated’ until the swearing in, or the ‘enthronement’ of the new priest – will be demonstrated. Moreover, this study sets out to tackle other specific aspects relating to this subject, such as deciphering if this time of vacancy is variable or took a standardized form. Furthermore, this work aims to address the origin of the parish priests, both geographically and socially, as well as utilizing additional information that extant sources provide. Likewise, attention will be given to the benefits the patrons derived from ‘their’ church – as well as the obligations to which they were subject. To undertake this study, documents from the Colegiada de Santa Maria da Oliveira de Guimarães, preserved in the National Archive of Torre do Tombo and in the Alfredo Pimenta Archive will be analyzed.

Resumo: A igreja de São Miguel do Castelo pertencia ao padroado da colegiada de Santa Maria da Oliveira. Este artigo explora a dinâmica e o envolvimento processual desta ligação ao longo dos séculos XIV e XV. Os padroeiros eram normalmente responsáveis pela apresentação do pároco sempre que o cargo ficava vago. Com este estudo de caso, pretende-se compreender melhor todo o processo, desde o momento da "vacância" da igreja até à tomada de posse ou "entronização" do novo pároco. Para além disso, este estudo pretende abordar outros aspetos específicos relacionados com esta temática, como por exemplo, perceber se este tempo de vacância é variável ou se assume uma forma padronizada. Além disso, este trabalho pretende abordar a origem dos párocos, tanto a nível geográfico como social, bem como utilizar informações adicionais que as fontes existentes fornecem. De igual modo, será dada atenção aos benefícios que os fregueses retiravam da "sua" igreja, bem como às obrigações a que estavam sujeitos. Para a realização deste estudo, serão analisados documentos da Colegiada de Santa Maria da Oliveira de Guimarães, conservados no Arquivo Nacional da Torre do Tombo e no Arquivo Alfredo Pimenta.

Introduction

The church of São Miguel do Castelo, set in the medieval urban – almost periurban – fabric of the current city of Guimarães, belonged to the *padroado* (sphere of patronage) of the collegiate church (*Colegiada*) of Santa Maria da Oliveira. This article explores the dynamics and procedural involvement of this connection throughout the fourteenth and fifteenth centuries. Approaching this topic across a broad time period forms part of a strategy to arrive at a more consistent understanding of the evolution and interconnection between the parish of São Miguel do Castelo and the *padroeiro* (patron), on the grounds that a more extensive and analyzed documentary base will provide more useful data and a more rigorous analysis.

The church of São Miguel do Castelo is known to have been connected to the Colegiada de Santa Maria da Oliveira – the chronology, and the form this connection took upon entering the Colegiada’s sphere of patronage is ripe for examination and comprehension. Patrons were usually responsible for presenting the parish priest whenever the office became vacant – even so, the recommended person would have to be confirmed by an ecclesiastical entity, usually the archbishop or bishop. This poses another question to be answered: would it be so in this specific case? Would it be up to the Archdiocese of Braga to confirm a parish priest presented by the Colegiada of Guimarães? With this specific case study, a better understanding of the entire process – taking place from the moment a church was ‘vacated’ (usually due to the death of its incumbent) until the swearing in, or the ‘enthronement’ of the new priest – will be demonstrated, contributing clarity to a theme that is oft under-researched by historians. Moreover, this study sets out to tackle other specific aspects relating to this subject, such as deciphering if this time of vacancy is variable or took a standardized form. Did it fit the same period registered in the placement of the new incumbent, or are there specific documented cases in this procedure throughout the two centuries that vary from the norm?

The presentation and confirmation of the new parish priest were, as can be seen, two fundamental steps in this entire process, but there was a third and final element that is equally relevant: the swearing-in by the nominee. It was the culmination of the entire journey, the end of the vacancy with the effective assumption of functions by the new priest. This first contact with the temple was also guided by a very particular ceremony or ritual, which will also be analyzed. Furthermore, this work aims to address the origin of the parish priests, the holders or heads of the parish, both geographically and socially, as well as utilizing additional information that extant sources provide. Likewise, attention will be given to the benefits the patrons derived from ‘their’ church – as well as the obligations to which they were subject.

In order to undertake this study, documents from the Colegiada de Santa Maria da Oliveira de Guimarães, preserved in the National Archive of Torre do Tombo and in the Alfredo Pimenta Archive – and importantly the church of São Miguel do Castelo itself, included in the Ecclesiastical Documentation of the Colegiada – will be subject and central to the analysis and its conclusions.

1. Regarding origins

The church of São Miguel do Castelo (lit. Saint Michael of the Castle) is located, as can be inferred from its name, close to the medieval Castle of Guimarães. There is no concrete information regarding the date of construction of this temple, nor consensus among the various authors who have devoted their attention to it. There are multiple opinions and reasonings in regards to the probable period of its original construction, and such perspectives are, in general, compiled in a work that Barroso da Fonte dedicated to this church¹. Without having new data that would allow a contribution toward answering this question, this paper will refrain from delving in to the subject, adhering only to the synthetic limits the uncertain, even problematic, nature of its origin sets.

As such, there are two theses with dedicated followers – one that suggests its construction in a more distant period, and the other, arguably having more support, locating its foundation to the beginning of the twelfth century, attributing the sponsorship of this building to Count Henrique and his wife, Teresa². Fundamental to this dating is the similarity of its architectural elements with those of other religious constructions reported for this period, but also – and above all – the strength of a tradition that took root in recent centuries, according to which Afonso Henriques – the eldest son of Henrique and Teresa,

¹ Barroso da Fonte, *A Igreja de S. Miguel do Castelo* (Braga: Editora Correio do Minho, 1992).

² See, for example, Luís de Pina, “O Românico no concelho de Guimarães – II: Igreja de S. Miguel do Castelo”, *Revista de Guimarães* 37 (2-3), (Abr.-Set. 1927): 141.

who became the first king of Portugal – was baptized in this small temple. This, naturally, presupposes the existence of the church at the beginning of the twelfth century. This tradition, according to Mário Cardoso, was conveyed from the Chronicle of Afonso Henriques, written by Duarte Galvão, and is closely linked to the association between the birth of the first king of Portugal and Guimarães³.

A further thesis refers the construction of this Romanesque church to the reign of Sancho I, in other words, during the end of the twelfth century and the beginnings of the thirteenth⁴ – however, its existence has been diligently proven for the first quarter of the thirteenth century. It is referenced in 1216, in connection with a friendly exchange between the archbishop of Braga and the provost and chapter of the Colegiada of Guimarães: this agreement results in the exemption from payment of the census by the churches of São Miguel do Castelo, as well as São Paio, Santa Eulália de Fermentões and São Miguel de Creixomil, with the provost of the Colegiada being in control of these said same churches, holding the right of presentation there⁵.

This connection and dependence of the church of São Miguel do Castelo to the Colegiada is demonstrated by a document dated to 1223, when the provost's *mensa* and the chapter's *mensa* were divided, where the assets and various rights of the institution were inventoried, with reference to the church of “Sancti Michaelis de Castello”, and in which *mensa* kept half of the received goods⁶.

³ Mário Cardoso, “Igreja de S. Miguel do Castelo de Guimarães”, *Revista de Guimarães*, 76 (1-2), (Jan.-Jun. 1966):167. It should be noted that the *Crónica de D. Afonso Henriques*, by Duarte Galvão, was written in the beginning of the sixteenth century, and only published in 1726 (see Duarte Galvão, *Chronica de el-rei D. Affonso Henriques* (Lisbon, Escriptorio, 1906), 6-11).

⁴ Manuel Monteiro, “O Românico Português – Sobrevivências vimaranenses”, *Revista de Guimarães* 58 (3-4), (Jul.-Dez. 1948): 198.

⁵ ANTT – CSMO, Docs. Eclesiásticos, M. 1, Doc. 2; M. 4, Doc. 28. Published in *Vimaranis Monumenta Historica : a saeculo nono post Christum usque ad vicesimum*, Parte 2, edited by Sociedade Martins Sarmento; introduction and compilation by João Gomes de Oliveira Guimarães (Guimarães: Tipografia de A. L. da Silva Dantas, 1931), 128 (doc. 179).

⁶ ANTT – CSMO (Colegiada de Santa Maria da Oliveira), Docs. Eclesiásticos, M. 1, Docs. 5, 6. This document is also published in *Vimaranis Monumenta Historica...*, Parte 2, 189-192 (doc. 201).

From this time forward, the church is regularly mentioned, being contemplated in the wills of some testators, such as those of Fernando Peres, made on 24 June 1226⁷, or canon Gonçalo Gonçalves, drawn up in 1232⁸ – even being chosen as a last resting place, as with João Anes Enxate, whose will was drawn up on 21 December 1398⁹.

Despite its unquestionable existence in the first quarter of the thirteenth century, it is nonetheless intriguing that the blessing of the church only took place in 1239 – an act carried out by the Archbishop of Braga, Silvestre Godinho (1229-1240) – if credibility is given to the veracity of an inscription that was preserved in the church, in a wooden frame, as referenced by several authors¹⁰. Naturally, the date attributed to the blessing deserves thoughtful consideration, as there is a possibility this is a second blessing – possibly motivated by jurisdictional disputes between the Colegiada and the bishops of Braga¹¹, which were frequent and dragged on for several centuries¹².

⁷ *Vimarans Monumenta Historica...*, Parte 2, 195-196 (doc. 211).

⁸ *Vimarans Monumenta Historica...*, Parte 2, 202 (doc. 219).

⁹ Albano Bellino, *Archeologia christã: Descrição histórica de todas as igrejas, capellas, oratorios, cruzeiros, e outros monumentos de Braga e de Guimarães* (Lisbon: Empresa da História de Portugal Sociedade Editora, 1900), 44-45.

¹⁰ Padre António José Ferreira Caldas, *Guimarães: apontamentos para a sua história*, 2ª ed. (Guimarães: Câmara Municipal de Guimarães/Sociedade Martins Sarmiento, 1996), 266; Monsenhor Cônego José Augusto Ferreira, *Fastos Episcopales da Igreja Primacial de Braga (Séc. III - Séc. XX)*, Tomo II (Braga: Edição da Mitra Bracarense, 1930), 20-21; Luís de Pina, “O Românico no concelho de Guimarães – II: Igreja de S. Miguel do Castelo”, *Revista de Guimarães* 38 (1-2), (Jan.-Jun. 1928): 33. Probably by mistake, in the book of Castro Caldas the blessing is dated to 1236.

¹¹ On this hypotheses, see Fonte, Barroso da, *A Igreja de S. Miguel do Castelo...*, 1992, p. 11. While this line of research cannot be excluded, the first question to ask should address what would motivate a new blessing of the temple. In fact, it is theoretically conceivable – if one assumes the church was erected in the first quarter of the thirteenth century – that this was not a second blessing, but rather the dedication, or initial blessing, of the temple, especially as this was a troubled period in the relations both between the Archbishop of Braga and the Colegiada de Guimarães, and between the monarch, Afonso II, and the prelate of Braga, with Guimarães siding with the king (see Maria da Conceição Falcão Ferreira, *Guimarães “Duas Vilas, Um Só Povo”. Estudo De História Urbana (1250-1389)*, (Braga: Centro de Investigação Transdisciplinar Cultura, Espaço e Memória / Instituto de Ciências Sociais da Universidade do Minho, 2010), 121-125). The tension between the parts would explain the unavailability of the archbishop(s) for the consecration and the subsequent dragging of the process. There is always hope new documents and studies will come to light that may help clarify this matter.

¹² About this question see Franquelim Neiva Soares, “Conflitos jurisdicionais entre a Colegiada e o Arcebispo de Braga (Século XIII a 1831)”, in *Actas do Congresso*

2. From the connection of Santa Maria da Oliveira to São Miguel do Castelo and its jurisdiction

The connection and dependence of the church of São Miguel do Castelo dates back to at least 1216, as evidenced by its first documented reference. That composition shows that the provost of the Colegiada was in possession of the church of São Miguel do Castelo, being responsible for the presentation of the parish priest. This prerogative is confirmed to him by Jean Halgrin d’Abeville, bishop of Sabina and apostolic legate, who, when examining and determining its Statutes on his visit to the Colegiada in 1229, makes it clear that the presentation and confirmation of priests in the churches of São Paio de Guimarães, São Miguel do Castelo, Santa Eulália de Fermentões and São Miguel de Creixomil were responsibilities of the provost of the Colegiada de Guimarães¹³.

The *Inquirições* (‘great survey’) of Afonso III, from 1258, also confirm the subordination of the ‘Eclesie Sancti Michaelis Castellii Vimaranes’ to the Colegiada, stating that ‘Didaci, juratus et interrogatus cujas est Ecclesia, dixit quod est suffraganea Sancte Marie...’, at a time when Gonçalo Godinho was its parish priest¹⁴. This means that the church of São Miguel do Castelo was part of the extensive list of churches under the rule of the collegiate church – nearly twenty, by the middle of the thirteenth century – under the patronage of the Colegiada de Santa Maria da Oliveira¹⁵. Thus, exercising this right, in 1265, the provost and the Colegiada presented João Eanes as priest

Histórico de Guimarães e Sua Colegiada (850º aniversário da batalha de S. Mamede (1128-1978)), Vol. II, (Guimarães, 1981): 11-29.

¹³ *Vimaranis Monumenta Historica...*, Parte 2, 201 (doc. 217).

¹⁴ *Portugaliae monumenta historica : a saeculo octavo post Christum usque ad quintumdecimum... Inquisitiones*: V. 1, fasc. 4 and 5, iussu Academiae Scientiarum Olisiponensis edita, Olisipone, Typis Academicis, 1897, 736-737.

¹⁵ See Maria Helena da Cruz Coelho, “A população e a propriedade na região de Guimarães durante o século XIII” in *Homens, Espaços e Poderes (sécs. XI-XVI) – vol. I – Notas do Viver Social* (Lisbon: Livros Horizonte, 1990), 154, 168 (note 64).

to the church of S. Miguel do Castelo¹⁶, and, ten years later, the presbyter Martinho Peres¹⁷.

3. One church, two names

Especially from the fourteenth century, the church of São Miguel do Castelo was also designated 'church of Santa Margarida' (lit., church of Saint Margaret). In the list of churches and monasteries paying tax in 1320, it is already identified by that name, being taxed 40 pounds¹⁸.

Note that this name was not only used locally, but extended to the centre of power itself. Proof of this is the letter of privileges that King Fernando granted to the inhabitants of the village of the castle, dated 18 June 1370, which says: 'and I command that henceforth, every week, they will assemble these judges on a day of the week, within the village of the castle, under the porch of Santa Margarida' ('E mando que daqui en diante em cada huua domaa façam andar esses juizes ambos huum dia da domaa dentro na villa do castello so o alpender de Sancta Margarida')¹⁹.

Thus, the church appears, and in this specific case, its porch, as a binding and gathering space for community life, which occurred from at least the first ten years of 1300. In fact, a document was located, dated from 21 July 1325, where it is written that the *alcaide* (of which the nearest equivalent is mayor) was 'on the porch next to the Church of São Miguel do Castelo listening to the petitions ('no alpender dante a Igreja de Sam Migel do Castello ouvindo os preitos')²⁰.

¹⁶ ANTT – CSMO, Docs. Eclesiásticos, M. 1, Doc. 38.

¹⁷ ANTT – CSMO, Docs. Eclesiásticos, M. 2, Doc. 3.

¹⁸ Fortunato de Almeida, *História da Igreja em Portugal*, vol. IV (Porto-Lisbon: Livraria Civilização Editora, 1971), 108.

¹⁹ ANTT – Chancelaria de D. Fernando, Livro I, fl. 63v.-64.

²⁰ AMAP – Pergaminhos da Câmara Municipal de Guimarães, 8-1-1-12. This document is reproduced in a later instrument.

Another reference, whose exact date is uncertain but can be dated to the fourteenth century, confirms this same facet, revealing that it was ‘under the porch of the church of Santa Margarida of the village of the castle of Guimarães’ (‘soo o alpendre da Igreja de Santa Margarida da vila do castelo de Guimaraens’) that the will of Domingas Domingues was read and published²¹.

If there were any doubts as to the fact that the church of Santa Margarida do Castelo and that of São Miguel do Castelo are in fact the same, a document from 1366 is enough to dispel them – as the church appears in that particular source with both forms of its name being used²².

Throughout the fourteenth century, it continued to be identified in both ways, and, within these denominations, small variations and embellishments in the name sometimes appear, such as in documents from 1430 and 1450 that identify it as Church of São Miguel ‘of the old castle rampart’²³.

Whilst this is not a unique case, this double-designation is nevertheless unusual, naturally derived from the two main saints worshiped there, which, in itself, seems to demonstrate the effusive veneration given there to these figures – the archangel, and the protector of pregnant women – with two medieval images of these two patron saints having survived over the centuries²⁴.

²¹ AMAP – Irmandade de São Crispim e São Crispiniano, Pergaminhos, 8-5-4-60.

²² ANTT – CSMO, Docs. Eclesiásticos, M. 3, Doc. 34.

²³ ANTT – CSMO, Docs. Particulares, M. 52, Doc. 25.

²⁴ Barroso da Fonte, *A Igreja de S. Miguel do Castelo* (Braga: Editora Correio do Minho, 1992), 36. In the Museum Alberto Sampaio there is an image of Saint Margaret in polychrome limestone of that provenance, dated from the fifteenth century (<https://www.museualbertosampaio.gov.pt/museu/espacos/sala-pintura-escultura/santa-margarida/>).

4. From the presentation of the parish priest to the confirmation and ceremony of enthronement

Patronage was bestowed with several privileges, amongst which was that of introducing, or presenting, a new parish priest, curator, or vicar whenever the church became vacant, a situation usually caused by the death of the incumbent, although there are several situations that can contribute to the alteration and replacement of any religious functionary of a particular church. As will be shown, this also happened in São Miguel do Castelo.

At this point, and without intending to dwell on the issue of presentation itself, as it involves a complexity derived from the rights of patronage,²⁵ intersecting and often colliding with the norms of canon law, a case will be presented where an examination avoiding these convolutions is possible.

In general terms, after the process of choosing and nominating a new holder for the position (by the patron, or patrons), the nominated individual has to be confirmed by the ecclesiastical entity with competent jurisdiction, normally the bishop, and only from that moment will he be sworn in²⁶.

In the specific case of the church of São Miguel do Castelo, the presentation was 'in solidum' – it was exclusive to a single patron, the Colegiada of Santa Maria da Oliveira, and its right extended to the confirmation itself, meaning that the Archbishop of Braga was not involved (and thus could not interfere) in the process. Structured as such, procedures were much more rapid and much less fraught, meaning the holder of São Miguel do Castelo was quickly replaced

²⁵ The right of patronage included a specified number of rights, obligations, and benefits belonging to the founders of a church or a monastery. It could be passed on by sale, concession, or exchange. It should be noted that the right of presentation is only one of the possible elements within the right of patronage and, as such, one does not necessarily equate with the other.

²⁶ On this matter, see Padre Miguel de Oliveira, *As paróquias rurais portuguesas, sua origem e formação* (Lisbon: União Gráfica, 1950), 149-155. For confirmation letters and their forms, see: Silva, Maria João Oliveira e, "Reconstructing formularies: the charters of the episcopal chancery of Porto in the Middle Ages", ..., 2018, pp. 283-294.

when necessary, avoiding months of vacancy – as happened in many other parishes. In these cases, problems could arise when patrons failed to reach agreement, whether about the person responsible for the presentation – because it could alternate amongst a group – or the suitability of the individual presented, or indeed when the candidate was rejected by the confirmer (i.e. competent authority) as being unsuitable.

In the case of Santa Margarida do Castelo, or São Miguel do Castelo, the appointment, presentation, and investiture or confirmation of a new parish priest proved to be an extremely quick procedure. There was a twofold contribution to this: firstly, it was a process that did not involve entities outside the Colegiada, and secondly most of the priests appointed were already canons of Santa Maria da Oliveira²⁷.

Of the various processes that were analyzed, the longest recorded delays were always linked to the need to issue commission letters, when the participants were at considerable distances, the process accruing the time emissaries required to pass their messages to the recipients. This was experienced in 1366, when Gonçalo Teles, provost of the church of Santa Maria de Guimarães, needed to install a new incumbent for the church of São Miguel do Castelo, after the death of Domingos Migueis, his perpetual vicar²⁸.

The provost of the Colegiada, absent from Guimarães and unable to travel because he was 'ocupado doutros negocios no studo de Coimbra' (lit. engaged in other business in the university of Coimbra), entrusted his wishes to the cantor Vicente Domingues, acting together with the chapter of the Colegiada. Duly, they presented canon Gonçalo Anes Pestana, a native of Évora and a servant of the provost²⁹. This letter delegating functions to the cantor and the Colegiada de Guimarães was written in Coimbra, on 17 December 1366, and it took until 21 December, for the cantor Vicente Domingues to act upon

²⁷ See, below, the list of the titular Priests of this church that were used in this study.

²⁸ ANTT – CSMO, Docs. Particulares, M. 35, Doc. 2A.

²⁹ ANTT – CSMO, Docs. Particulares, M. 35, Doc. 2A.

the provost's indications, confirming Gonçalo Anes Pestana as vicar of Santa Margarida do Castelo³⁰. The time between the death of Domingos Migueis and the date the provost became aware of it is unknown but, judging by the days that elapsed between the drafting of commission letters for the cantor and its execution, it is entirely credible that the church was left vacant for a period not longer than ten days.

On the other hand, when the matter at hand was the exchange of benefices or a renouncement, the process was virtually automatic, given that the necessary actions were taken in the Colegiada. This way, when someone made a renouncement, its canonical acceptance and then confirmation and swearing-in of the new priest occurred immediately, as happened in 1430³¹, 1450³² and 1483. In this last case, the confirmation occurred on 30 December, but the swearing-in of the new priest only occurred on 2 January³³.

After the presentation or indication of the new parish priest, the named person being a qualified and reputable candidate, confirmation and investiture ensued, following a ritual that involved some complexity and several phases. Take, as an example, the case of João Afonso who, on 1 June 1430, through exchange, took over the church of São Miguel do Castelo. The incumbent priest of this church in Guimarães was João Anes, canon of Santa Maria de Guimarães, who intended to exchange his canonry and the vicarage of São Miguel do Castelo with João Afonso, up until that time taking income from São Pedro de Rates³⁴. The provost of the Colegiada delegated the process to the treasurer Pedro Anes, who, together with the chapter, gathered in the church of Santa Maria, accepted João Anes's resignation from that church, the canonry, and respective prebend, accepting the intended exchange. João Afonso was then instituted in the canonry

³⁰ ANTT – CSMO, Docs. Eclesiásticos, M. 3, Doc. 34.

³¹ ANTT – CSMO, Docs. Particulares, M. 45, Doc. 41.

³² ANTT – CSMO, Docs. Particulares, M. 52, Doc. 25.

³³ ANTT – CSMO, Pergaminhos, Docs. Eclesiásticos, M. 5, Doc. 30; M. 5, Doc. 30vº.

³⁴ ANTT – CSMO, Docs. Particulares, M. 45, Doc. 41.

and also invested as priest of São Miguel do Castelo, through the imposition of the biretta (a square cap with three ridges or peaks on its upper surface, worn by clerics of all grades from cardinals downwards) that Pedro Anes (representing the provost) and the canon João de Oliveira (representing the chapter) placed on his head, whilst he knelt before them. Then they moved to the Church of São Miguel, where João Afonso took bodily possession of stone, earth and tile, chalices, clothing, book, thurible, crosses, pyx, bells, and all other ornaments of that Church, soon presenting himself to the parishioners and renters of that church who, henceforth, would have him as their parish priest and rector of said church, whom they should obey and assist with all their rights and tithes under penalty of excommunication³⁵.

In this specific case, the new priest was present to be invested personally, but the process was also valid if done through a procurator or legitimate representative, as with the case with clergyman Pedro Lourenço, identified as a cleric of the Mass, chairman of the church of Santa Maria de Guimarães and a portioner (*raçoeiro*) from São Gens de Montelongo, who sent a letter of power to his brother João Lourenço, a minor cleric, who was henceforth invested in the name of his brother in the church of São Miguel on 11 December 1450³⁶.

Whilst one could assume that electing a representative would lighten the ceremonial load, everything, however, proceeded in the same way – from the imposition of the biretta, to the taking of bodily possession which implied, as seen above, the representative's departure from the parish priest and whoever invested him in the church, everything unfolding in consonance as if the designated priest himself were there.

Upon taking bodily possession of the church, the priest also took over all the rights, belongings, and income allocated to him, naturally safeguarding the rights of the provost and the chapter of the Colegiada

³⁵ ANTT – CSMO, Docs. Particulares, M. 45, Doc. 41.

³⁶ ANTT – CSMO, Docs. Particulares, M. 52, Doc. 25.

(in undertaking his obligations, as such), being that in 1366, the priest had to pay eight maravedis³⁷ to the Colegiada: four to the provost and four to the chapter³⁸.

With each new investiture, parishioners were also reminded of their obligations towards the new parish priest – from that of obedience, to the payment of tithes, rights, fruits, pensions and income – and that non-compliant members of the flock would be punished with ecclesiastical sanctions, which included admonitions and excommunication, with a reminder that, if necessary, the priest could even resort to civil justice³⁹.

Another common undertaking after the death of the rector of a church was to make an inventory of the assets that were held there, so that during the vacant period there was no deviation from – or redistribution of – its contents.

Given the specific character of the patronage of Santa Maria da Oliveira, such a procedure would not be expected but, curiously, there is an inventory made by the new priest João Afonso, who on 1 June 1430, the day he took office, ordered an inventory of the assets that were part of the estate of São Miguel do Castelo: a Sunday missal with a mystic sanctorale (*livro missal dominical e santoral místico*); a lectionary for Sundays (*leccionário dominical*); a missal in red board binding (*um livro missal de tábuas vermelhas*); a Sunday book of responses and antiphons (*um dominical de responsos e antífona*); sanctorale for praying and singing (*um santoral de rezar e de canto*); a book for baptizing, commending, and blessing water (*um livro de batizar e encomendar e benzer água*); an office book of exposed body (*um caderno de ofício de corpo exposto*); a psalter (*um saltério*); a brass thurible; a copper bucket to hold holy water; two cruets without covers; two small basins, one copper and one brass;

³⁷ It is difficult to establish a specific value in terms of conversion for this specific date because the currency suffered great fluctuation at this time, although one of the base values considered is that a maravedi would be worth 27 soldos.

³⁸ ANTT – CSMO, Docs. Eclesiásticos, M. 3, Doc. 34.

³⁹ ANTT – CSMO, Docs. Eclesiásticos, M. 3, Doc. 34.

a silver chalice assessed by João Anes, saddler, as weighing one mark minus two *reais*; another silver chalice said by the same João Anes to weigh seven ounces; a perfect linen cloth garment; two marks of linen cloth; an old closet that has four doors; a broken brass cross⁴⁰.

5. The second half of the fifteenth century – change in the patron’s *modus operandi*

João Afonso, after nearly twenty years as priest of the church of São Miguel do Castelo, resigned his position in favour of Pedro Lourenço, cleric of the Mass, choirman of the church of Santa Maria de Guimarães and portioner of São Gens de Montelongo, acting upon the wishes of the latter, who intended to exchange his portion with Afonso for the rectory of the church of São Miguel⁴¹.

João Afonso added that Pedro Lourenço was “A good clergyman and [proficient] enough, who can read and sing the Church’s rituals” (‘*boo eclisiastico e sofisticado e que sabe bem leer e cantar os costumes da igreja*’). He gave power of attorney to Pedro Anes on 29 November 1450, chaplain and canon of the collegiate church of Santa Maria, so that he could, in his name, resign and dutifully renounce the Church of São Miguel into the hands of the provost of the Colegiada – at that time, Afonso Gomes de Lemos⁴².

After the acceptance and agreement of all the parties involved, it was, as mentioned above, his brother, João Lourenço, who, as his proxy, was invested in the church of São Miguel on 11 December 1450⁴³.

⁴⁰ ANTT – CSMO, Docs. Particulares, M. 45, Doc. 41. Here is in Portuguese the list of objects identified after the books: *um tribulo de arame; uma caldeira de cobre de ter água benta; duas galhetas sem coberturas; duas bacias pequenas, uma de cobre e outra de latão; um cálice de prata que disse João Anes, seleiro, que pesava um marco menos dois reais; outro cálice de prata que disse o dito João Anes que pesava sete onças; uma vestimenta de pano de linho perfeita; dois marcos de pano de linho; um armário velho que tem quatro portas; uma cruz de arame quebrada.*

⁴¹ ANTT – CSMO, Docs. Particulares, M. 52, Doc. 25.

⁴² ANTT – CSMO, Docs. Particulares, M. 52, Doc. 25.

⁴³ ANTT – CSMO, Docs. Particulares, M. 52, Doc. 25.

However, this arrangement would not last more than two years, since, on 28 September 1452, Pedro Lourenço had already resigned. There is little information regarding Pedro Lourenço, but the fact of the power of attorney was made in Vouzela suggests that he may have been a native from that village of Viseu.

Unfortunately, the documents available are not sufficient to furnish an understanding of the origins of the priests of this church. In fact, only Gonçalo Anes Pestana's heritage was identifiable, with evidence showing that he was a native of Évora⁴⁴.

Furthermore, it was not possible to identify all the priests that were in São Miguel do Castelo throughout the fourteenth and fifteenth centuries. From the documentary sources that were available and analyzed, a dozen priests could be identified, as the following table illustrates.

Date	Name	Designation	Situation	Place of origin
1346-05-15	Domingos Tristão ⁴⁵	Priest of Santa Margarida	In office	
1350-12-14	Domingos Miguéis ⁴⁶	Priest of Santa Margarida	In office	
1351-11-05	Domingos Miguéis ⁴⁷	Priest of Santa Margarida	In office	
1366-12-17	Domingos Miguéis ⁴⁸	Perpetual vicar	End of functions (death)	
1366-12-21	Gonçalo Anes Pestana ⁴⁹	Vicar (Canon of Santa Maria de Guimarães)	Confirmation (start of functions)	Évora
1402 (Feb-Mar.)	Pedro Afonso ⁵⁰	Priest of Santa Margarida (Canon of Santa Maria de Guimarães)	In office	
1404-09-03	Pedro Afonso ⁵¹	Priest of Santa Margarida	In office	
1410-11-08	Afonso Domingues ⁵²	Priest of Santa Margarida	In office	

⁴⁴ ANTT – CSMO, Pergaminhos, Docs. Eclesiásticos, M. 3, Doc. 34; Docs. Particulares, M. 35, Doc. 2A.

⁴⁵ AMAP – CSMO, Livros de Notas, Nota Antiga – L. 1, fl. Xv.

⁴⁶ AMAP – CSMO, Pergaminhos, 08-02-04-15.

⁴⁷ AMAP – CSMO, Livros de Notas, Nota Antiga – L. 1, fl. XIX.

⁴⁸ ANTT – CSMO, Docs. Particulares, M. 35, Doc. 2A.

⁴⁹ ANTT – CSMO, Docs. Eclesiásticos, M. 3, Doc. 34.

⁵⁰ AMAP – CSMO, Livros de Notas, Nota Antiga – L. 8, fl. 1-2. His name appears in several documents written in February and March of that year.

⁵¹ ANTT – CSMO, Docs. Particulares, M. 40, Doc. 35.

⁵² AMAP – CSMO, Livros de Notas, Nota Antiga – L. 10, fl. XV.

Date	Name	Designation	Situation	Place of origin
1412-06-10	Afonso Domingues ⁵³	Priest of Santa Margarida	In office	
1428-10-29	Álvaro Anes ⁵⁴	Priest of Santa Margarida (Canon of Santa Maria de Guimarães)	In office	
1430-06-01	João Anes ⁵⁵	Priest of Santa Margarida	End of functions (Exchange)	
1430-06-01	João Afonso ⁵⁶	Portionary of São Pedro de Rates	Exchange (start of functions)	Ulhô(?)
1449-08-08	João Afonso ⁵⁷	Priest of Santa Margarida (Canon of Santa Maria de Guimarães)	In office	
1450-11-29	João Afonso ⁵⁸	Priest of São Miguel (Canon of Santa Maria de Guimarães)	End of functions (Resignation and exchange)	
1450-12-11	Pedro Lourenço ⁵⁹	Clergyman of the Mass; church choir of Santa Maria de Guimarães, Portionary of São Gens de Montelongo	Exchange (start of functions)	Vouzela
1452-09-28	Pedro Lourenço ⁶⁰	Priest of São Miguel	End of functions (Resignation)	
1452-09-28	Pedro Anes ⁶¹	Canon of Santa Maria de Guimarães	Attached to canonicate	
1483-12-30	João Álvares ⁶²	Priest of Santa Margarida (Canon of Santa Maria de Guimarães)	End of functions (Resignation)	
1484-01-02	Nuno Gonçalves ⁶³	Mass clergyman	Confirmation (start of functions)	
1485-12-14	Nuno Gonçalves ⁶⁴	Priest of Santa Margarida	In office	
1499-12-13	Nuno Gonçalves ⁶⁵	Priest of Santa Margarida	In office	

Table1. Priests of the church of São Miguel do Castelo / / Santa Margarida do Castelo⁶⁶.

⁵³ AMAP – CSMO, Livros de Notas, Nota Antiga – L. 10, fl. XXXI.

⁵⁴ ANTT – CSMO, Docs. Particulares, M. 45, Doc. 12.

⁵⁵ ANTT – CSMO, Docs. Particulares, M. 45, Doc. 41.

⁵⁶ ANTT – CSMO, Docs. Particulares, M. 45, Doc. 41.

⁵⁷ ANTT – CSMO, Docs. Particulares, M. 52, Doc. 10.

⁵⁸ ANTT – CSMO, Docs. Particulares, M. 52, Doc. 25.

⁵⁹ ANTT – CSMO, Docs. Particulares, M. 52, Doc. 25.

⁶⁰ ANTT – CSMO, Docs. Eclesiásticos, M. 4, Doc. 6.

⁶¹ ANTT – CSMO, Docs. Eclesiásticos, M. 4, Doc. 6.

⁶² ANTT – CSMO, Docs. Eclesiásticos, M. 5, Doc. 30.

⁶³ ANTT – CSMO, Docs. Eclesiásticos, M. 5, Doc. 30vº.

⁶⁴ AMAP – CSMO, Pergaminhos, 8-6-1-9.

⁶⁵ AMAP – CSMO, Pergaminhos, 8-4-5-8.

⁶⁶ List referring to the fourteenth and fifteenth centuries.

Returning to Pedro Lourenço, it is known that he resigned in 1452. This information was harvested from a document dated from 28 September that same year, in which Gil Afonso, canon and vicar general of the Colegiada de Guimarães, on behalf of the provost Afonso Gomes de Lemos, together with the cantor and the chapter of the Colegiada, enacted an annexation of the church of São Miguel to Pedro Anes' canonry⁶⁷. Such an annexation would only last while Pedro Anes was alive, with the basis for this decision being that the church was vacant due to the resignation of its last incumbent, Pedro Lourenço, whilst accounting for the fact that it was not an appealing position because of its low income – not enough to comfortably keep the resident priest – they, thus, opted for this solution because canon Pedro Anes had always served, and continued to serve, the church of São Miguel⁶⁸.

At this point, there was a change in the way the right of patronage was exercised – the church of São Miguel, which, until then had always had a resident priest, was now losing, at least temporarily, its autonomy by being integrated into a canonry. In legal terms, there were no irregularities, given that the patron had full control over the church's management, to the point that, as Maria Helena da Cruz Coelho recalls, the right of patronage itself could be alienated, its holders being free to 'vender, doar ou escambar as igrejas' (sell, donate or exchange [their] churches)⁶⁹. However, it is curious to see a form of legitimization of the act by the provost, noting that the church is 'ours to present, confirm and manage, in concerted plenary, without resort to any ordinary power, thanks to an old and memorable custom founded on an agreement between the Church of Braga and this Church' of Santa Maria de Guimarães ('da nossa apresentação, confirmação e disposição em sólido plenário e escusa de toda potência

⁶⁷ ANTT – CSMO, Docs. Eclesiásticos, M. 4, Doc. 6.

⁶⁸ ANTT – CSMO, Docs. Eclesiásticos, M. 4, Doc. 6.

⁶⁹ Maria Helena da Cruz Coelho, "A população e a propriedade na região de Guimarães durante o século XIII" in *Homens, Espaços e Poderes (sécs. XI-XVI) – vol. I – Notas do Viver Social* (Lisboa: Livros Horizonte, 1990), 153.

ordinária por bem de antigo e memorável costume fundado por uma composição feita entre a Igreja de Braga e esta Igreja’).⁷⁰

This is a reference to the 1216 friendly agreement between the archbishop of Braga and the provost and chapter of the Colegiada mentioned above. The integration of the church of São Miguel do Castelo into a canonry was maintained during the incumbency of João Álvares, who resigned from the church of São Miguel do Castelo on 30 December 1383, detaching it from its canonry⁷¹.

The normality experienced over the previous century and a half – which had been interrupted for about three decades – would now resume. On 2 January 1484, the cleric of the Mass Nuno Gonçalves, servant of canon João Álvares, became the priest of Santa Margarida (São Miguel do Castelo) and administrator of the chapel of João Anes Enxate, located in the church of São Miguel do Castelo⁷².

Conclusion

During the fourteenth and fifteenth centuries, the church of São Miguel or Santa Margarida do Castelo was part of the network of churches where the Colegiada de Guimarães held the right of presentation. During the preparation of this work, it was possible to identify many of the church’s priests, allowing the reconstitution of a list with an interesting level of sequencing. It further allowed a deeper understanding of the process of presentation, confirmation and installation of the priest in this parish.

Commonly, the confirmation of a priest was made by bishops, but in this particular church, the provost and the chapter could confirm the priest independently, thanks to previous decisions and arrangements made by the Roman Catholic Diocese of Braga and the Colegiada, resulting from many earlier jurisdictional conflicts. As far as the

⁷⁰ ANTT – CSMO, Docs. Eclesiásticos, M. 4, Doc. 6.

⁷¹ ANTT – CSMO, Docs. Eclesiásticos, M. 5, Doc. 30vº.

⁷² ANTT – CSMO, Docs. Eclesiásticos, M. 5, Doc. 30; M. 5, Doc. 30vº.

Colegiada was concerned, this situation was exclusive to the church of S. Miguel and was not repeated in the other churches where it held the right of presentation, confirmation still being the responsibility of the bishop.

As such, it can be considered that, in relation to this aspect of ecclesiastical process, this work can act as a useful starting point to support and indeed further the study of similar cases. In relation to the process of investiture, given the existence of a common and standardized procedure across the broad generality of churches during the Portuguese high and late Middle Ages, further studies to identify any differences and variances in this process, depending on patrons or the different regions of the kingdom, could provide valuable information and insight.

It is hoped that the emergence of new contributions enabling a better understanding of this process – in addition to further clarification on this whole matter – will allow, at a later stage, the establishment of comparative tables and records with the models registered in other European countries for this period.

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**INCLUSION AND EXCLUSION BETWEEN
CHURCH AND COMMUNITY:
THE CASE OF THE “LOMBARD” FINANCIERS
(THIRTEENTH-SEVENTEENTH CENTURIES)**

Ezio Claudio Pia

Università di Torino, Centro di Ricerca sulle Istituzioni e le Società Medievali
ORCID 0000-0002-4792-138X

Abstract: The *lombardi* represent a category of economic operators originating from northern Italy and active throughout Europe between the thirteenth and seventeenth centuries. They were businessmen from inland towns, served by communication routes and located in areas of high agricultural productivity, which provided the surplus needed to carry out financial initiatives. Active in lending and commercial transactions and from the fourteenth century part of an international financial lobby, they were identified by their contemporaries as foreigners devoted to a disreputable profession – at risk of usury – and relegated to a “weak” citizenship. A constant oscillation between exclusion and inclusion characterises the vicissitudes of the subalpine operators. Encoded through canonical languages, this uncertain membership is reflected in the variability of the Lombards’ relations with ecclesiastical institutions both in their places of activity and at home. In this context, the parish is the node of aggregation of different dynamics: ecclesiastical regulatory intervention, in fact, marks the intersection between the concrete needs of the market, the community’s roots and the Church’s regulation of social and

financial relations. The parish is the place of exclusion but at the same time the space for negotiating reintegration and the institution that mediates the conflicting drives that run through the credit market.

Resumo: Os *lombardi* representam uma categoria de agentes económicos originários do Norte de Itália e ativos em toda a Europa entre os séculos XIII e XVII. Eram homens de negócios de cidades do interior, servidas por vias de comunicação e situadas em zonas de elevada produtividade agrícola, que proporcionavam os excedentes necessários à realização de iniciativas financeiras. Intervenientes habituais nos empréstimos e nas transações comerciais e fazendo parte, a partir do século XIV, de um lóbi financeiro internacional, foram identificados pelos seus contemporâneos como estrangeiros dedicados a uma profissão de má reputação – de usurários – e relegados para uma cidadania "fraca". Uma oscilação constante entre exclusão e inclusão caracteriza as vicissitudes destes atores subalpinos. Codificada através das línguas canónicas, esta pertença incerta reflete-se na variabilidade das relações dos Lombardos com as instituições eclesiásticas, tanto nos seus locais de atividade como nas localidades da sua residência. Neste contexto, a paróquia era o nó agregador de diferentes dinâmicas: a intervenção reguladora eclesiástica marca, de facto, a intersecção entre as necessidades concretas do mercado, as raízes da comunidade e a regulação eclesiástica das relações sociais e financeiras. A paróquia é o lugar da exclusão, mas, ao mesmo tempo, o espaço de negociação da reintegração e a instituição que medeia as pulsões contraditórias que atravessavam o mercado de crédito.

1. Lombards and European credit

The 'Lombards' represent a category of economic operators originating from northern Italy and active throughout Europe between the thirteenth and seventeenth centuries. They were businessmen from inland towns, mainly from Asti and other centres in the sub-

-Alpine region, served by communication routes and located in areas of high agricultural productivity that provided the surplus needed to carry out financial initiatives¹. They were active in lending and commercial transactions of various sizes – “lombardi et merchatores” is how a 1336 document preserved in Freiburg² defines them – and by the fourteenth century they were part of an international financial lobby. Because of the different types of credit in which they were engaged, they were contradictorily identified by their contemporaries as foreigners dedicated to a disreputable profession – at risk of usury – and relegated to a ‘weak’ citizenship, or on the contrary as “viri providi et discreti” for their role in the financial market³.

The story of the Lombards that developed over at least four centuries involves the most socially and economically lively areas of Europe, allowing a transversal reading of political and credit dynamics. Indeed, it is an observatory that, thanks to sources that are widespread both in the areas of origin (Piedmont) and in those of operation, makes it possible to investigate the concreteness of economic relations and the discursive practices that defined them. These sources are certainly widespread, even if they are of different scope and systematicity precisely because of the extension and relative mobility of the Lombard banks. It should be noted that the documentation

¹ Renato Bordone, “I ‘lombardi’ in Europa. Primi risultati e prospettive di ricerca”, *Società e storia* 63 (1994): 1-17; Renato Bordone, “I Lombardi nelle città europee”, in *Spazio urbano e organizzazione economica nell’Europa medievale*, Atti della Sessione C23 dell’XI International Economic History Congress, Milano 12-16 settembre 1994, ed. Alberto Grohmann (Napoli: Esi, 1995), 81-97; Renato Bordone, “Lombardi come ‘usurai manifesti’: un mito storiografico?”, *Società e storia* 100-101 (2003): 255-272; Renato Bordone, “Una Lobby finanziaria internazionale?”, in *Dal banco di pegno all’alta finanza. Lombardi e mercanti-banchieri fra Paesi Bassi e Inghilterra nel Trecento*, ed. Renato Bordone (Asti: Centro Studi sui Lombardi, sul credito e sulla banca, 2007), 9-25; Roberto Sabatino Lopez, *The Commercial Revolution of the Middle Ages, 950-1350* (Englewood Cliffs: Prentice-Hall, 1971); Jacques Le Goff, *Le Moyen Âge et l’argent. Essai d’anthropologie historique* (Paris: Perrin, 2010). The contribution of Renato Bordone (1948-2011) is essential for the renewal of studies about Lombards: to Renato Bordone who initiated me into the study of medieval and credit history, I address a heartfelt and grateful thought.

² Archives de l’Etat de Fribourg, *Traités et contrats*, no. 361, 1336.

³ Giuseppe Rosso, ed., *Documenti sulle relazioni commerciali tra Asti e Genova (1182-1310)* (Pinerolo: [s.n.] – [Asti: Brignolo], 1913), 243-245, doc. 584.

has been the subject of investigations linked to the interests of municipal history in the late nineteenth century – which by their very nature emphasised local reconstructions – and that only in recent years have they been exploited in a broader perspective⁴.

The rather bumpy course of research marks phases of caesura or innovation in studies between the nineteenth and 20th centuries, accompanying the revision of historiographic clichés. As already mentioned, the gradual reconstruction of the extensive system of relations outlined by the Lombards was the result of a nineteenth-
-twentieth-century historiography very much linked to the ‘new’ great homelands within which municipal particularities were recomposed⁵. As a result, research has long remained tied to a specific area: Asti studied its merchant-bankers and, in turn, researchers in France, Belgium and Germany examined the presence of Lombards in cities or limited regions of those countries⁶. This reduced attention to the general framework was destined to be reproduced a few decades later, due to the increasing rise of nationalism between the two world wars⁷. On a general level, the lesson of Marc Bloch, which implied

⁴ Renato Bordone, ed., *L'uomo del banco dei pegni. "Lombardi" e mercato del denaro nell'Europa medievale* (Torino: Scriptorium, 1994); Bordone, "Lombardi nelle città", 81-97; Ezio Claudio Pia, "Lombardi in Europa: una lettura storiografica", *Rivista Storica Italiana* 125, no. 3 (2013): 817-840.

⁵ Gian Maria Varanini, ed., *Storiografia e identità dei centri minori italiani tra la fine del medioevo e l'Ottocento* (Firenze: Firenze University Press, 2013).

⁶ Exemplary in terms of systematicity and method is the pioneering study of Quintino Sella, *Del Codice d'Asti detto de Malabayla. Memoria di Quintino Sella* (Roma: Tip. della R. Accademia dei Lincei, 1887), CCXVI-LVII. On Quintino Sella (1827-1884), Minister of State of the Kingdom of Italy and scientist, see Marco Guardo and Alessandro Romanello, eds., *Quintino Sella Linceo* (Roma: Accademia nazionale dei Lincei, 2012). The research start-up phase also includes documented and still useful studies of Joseph Laenen, "Usuriers et Lombards dans le Brabant au XV^e siècle", *Bulletin de l'Académie royale d'Archéologie de Belgique* (1904): 123-144; Joseph Laenen, "Les Lombards à Malines, 1295-1475", *Bulletin du Cercle archéologique, littéraire et artistique de Malines* 15 (1905): 23-40; Léon Gauthier, *Les lombards dans le Deux-Bourgognes* (Paris: Honoré Champion, 1907); Paul Morel, *Les Lombards dans la Flandre française et l'Hainaut* (Lille: Morel, 1908); Bruno Kuske, "Die Handelsbeziehungen zwischen Köln und Italien im späteren Mittelalter", *Westdeutsche Zeitschrift für Geschichte und Kunst* 27 (1908): 393-441.

⁷ Renato Bordone, "Introduzione", in *L'uomo del banco dei pegni. "Lombardi" e mercato del denaro nell'Europa medievale*, ed. Renato Bordone (Torino: Scriptorium, 1994), 33.

a greater focus on socio-economic aspects, led to an evolution in studies that paved the way for a more fruitful interaction between the research of different scholars⁸.

The partial reconstruction was also due to a hierarchical view of credit activity which for a long time favoured the ‘great’ Florentine or Piacentine companies, relegating the Lombards – who were not yet well known – to a sort of enduring minority.

This reductive view depended on three factors:

- on the usurious stigma that indiscriminately identified their operations;
- on the absence of a top-down structure since the *casane*, i.e. the Lombard banks, were in fact autonomous even if interconnected;
- and the late organisation of *nationes* of the Lombards, i.e. structured representations of these operators in the foreign countries where they operated⁹.

It is therefore a rich but not homogeneous overview, with considerable diachronic and diatopic extension, but conditioned by the very nature of the sources. Hence the need for an approach that enhances the systematic attention to the languages of credit, citizenship, inclusion and exclusion developed in more recent historiography¹⁰. In fact, some questions can allow a more effective evaluation of a

⁸ Bordone, “Introduzione”, 34.

⁹ Bordone, “ ‘Usurai manifesti’”, 264-265.

¹⁰ Giacomo Todeschini, “Fiducia e potere: la cittadinanza difficile”, in *La fiducia secondo i linguaggi del potere*, ed. Paolo Prodi (Bologna: il Mulino, 2007), 15-26; Giacomo Todeschini, *Visibilmente crudeli. Malviventi, persone sospette e gente qualunque dal Medioevo all’età moderna* (Bologna: il Mulino, 2007); Giacomo Todeschini, “Eccezioni e usura nel Duecento. Osservazioni sulla cultura economica medievale”, *Quaderni storici* 131, 44, no 2 (2009): 351-368; Giacomo Todeschini, “The Incivility of Judas: ‘Manifest Usury’ as a Metaphor for the ‘Infamy of Fact’ (*infamia facti*)”, in *Money, Morality and Culture in Late Medieval and Early Modern Europe*, eds. Juliann Vitullo and Diane Wolfthal (Farnham: Ashgate, 2010), 33-52; Giacomo Todeschini, “La ricchezza come forma di inclusione sociale e religiosa in Italia alla fine del Medioevo”, in *Ricos y pobres: opulencia y desarraigo en el occidente medieval*, *Semana de Estudios medievales*, Estella, 20-24 julio 2009 (Navarra: Gobierno de Navarra, 2010), 105-125.

phenomenon that, due to its duration and extension, cannot be relegated to moralistic prejudices or rank visions.

This contribution intends to bring the enduring ‘adventure’ of the Lombards back to the concreteness of the social and political relations of their era, analysing the languages that have contradictorily defined their identity. In particular, the usurious stigma that was the main cause of the Lombards’ delegitimation and potential exclusion will be examined¹¹. In fact, they were accused of unfair credit practices due to excessively high interest rates, even though the rates were set by the local authorities themselves who entrusted the Lombards with the task of financial activity. These accusations, however, allowed the governments to renegotiate the conditions of Lombard credit and sometimes the communities to default on their debts¹².

It will become clear how a fundamental mediation with respect to these dynamics was exercised by the Church: on the other hand, underlying the accusations of usury and the threats of exclusion was the instrumental use of theological language by the secular authorities. It is precisely the analysis of the role of ecclesiastical institutions, episcopal curias and parishes, that allows us to frame the actual scope of the concept of usury, which appears as a negotiable category, used for its political rather than economic value. Taking this aspect into account, and not forgetting the high political status of the Lombards at home and, in many cases, also in the areas of activity, it is necessary to review the traditional historiographic approach that considered the Lombards only as operators of residual rank and devoted to reprehensible economic practices.

The analysis of sources, particularly those that on a ‘naïve’ reading would seem to support the usurious prejudice, confirms that:

¹¹ Rowan William Dorin, “L’expulsion des usuriers hors de France à la fin du XIII^e siècle”, *Hypothèses* (2013): 157-166; Rowan William Dorin, *No Return: Jews, Christian Usurers, and the Spread of Mass Expulsion in Medieval Europe* (Princeton: Princeton University Press, 2023).

¹² Ezio Claudio Pia, “«Multam pecuniam, multa mala»: i ‘lombardi’ astigiani e il mercato del credito nel basso medioevo”, *Nuova rivista storica* 105, no. 1 (2021): 40, 48.

- usury for Lombards as for other lenders was a possibility but not the rule;
- practices recognised as ‘improper’ were subject to evaluation and mediation by the Church authorities;
- the Church’s intervention marked the limits and conditions of the inclusion of Lombards who, even in the case of morally questionable behaviour, were substantially included or reintegrated into full citizenship.

The revision of traditional historiographical assessments through specific attention to the language of ecclesiastical sources thus makes it possible to interpret the Lombard story by referring to the dynamics of citizenship and credit. A relationship to which more recent historiography has pragmatically referred the social and political relations of the late Middle Ages and Early Modern Age¹³.

2. Lombards and Church

The constant oscillation between exclusion and inclusion – negotiated and limited in time depending on the authorisations granted to the Lombards to operate – that characterised the enduring vicissitudes of the subalpine operators, must therefore be deciphered starting with the ecclesiastical languages.

An uncertain belonging that was reflected in the variability of the Lombards’ relations with the ecclesiastical institutions both in their places of activity and at home. The role of the Church was central: the bishop’s curia and the parishes provided structural mediation with regard to the complex relationships of financiers, often stigmatised as usurious. In Liège, at the end of the thirteenth century, the bishop relaxed the rules against usury that he himself had laid down in the 1288 synodal statutes and the city’s parish priests gave

¹³ Clément Lenoble, and Valentina Toneatto, “Les lexiques médiévaux de la pensée économique”, *Annales. Histoire, sciences sociales* 74, no. 1 (2019): 25-41.

the provost of St Lambert the power to manage usury matters¹⁴. This is a sign of a complex framework that required constant adaptation to actual situations. The fact that the prelate reduced the scope of the statutes he had previously issued and the parishes' attribution of specific competences to the provost of St Lambert's indicate the need to calibrate the evaluation of credit dynamics.

Two centuries later, the bishop of Cambrai, Henri de Bergues, instructed the curates of St Rombaut in Malines and Notre-Dame de la Chapelle in Brussels – towns with a strong Lombard credit base – to administer the sacraments to lenders and their relatives, as well as to the rest of the faithful, without restriction for ten years¹⁵. In this case too, the bishop's authority moderated the impact of the anti-usury legislation by delegating it to the parish priests, whose ministry was more closely linked to community dynamics. Indeed, the concrete activity of the lenders shows a complex and sometimes contradictory framework. On the one hand, integration was marked by inclusion in church structures, as shown, towards the end of the fifteenth century, by the contribution to the building of Ghent cathedral or the membership of a Lombard family in the prestigious Confraternity of the Holy Cross at the church of St Jacques sur Coudenburg in Brussels¹⁶. On the other hand, the ecclesiastical institution circumscribed, limited or nullified the social integration of the lenders. In addition, secular and ecclesiastical authorities sometimes used the threat of exclusion from the Christian community against the lenders, preventing them from participating in divine services or from frequenting the population, so as not to 'infect'

¹⁴ Georges Bigwood, *Le régime juridique et économique du commerce de l'argent dans la Belgique du Moyen Âge*, I (Bruxelles: Lamertin, Hayez, 1921), 580-581.

¹⁵ Bigwood, *Le régime*, 583.

¹⁶ Charles Ruelens, "La confrérie de Sainte-Croix à Bruxelles", *Revue d'histoire et d'archéologie* 2 (1860): 220-224; Ezio Claudio Pia, "Uomini d'affari 'lombardi' nei Paesi Bassi tra radicamento e marginalizzazione (secoli XIV-XVII)", *Bollettino storico-bibliografico subalpino* 117, no. 2 (2019): 385-406.

“les ames de plusieurs inhabitants”¹⁷. This is demonstrated by a document of 1624 – relating to the sale by Flaminio Pallio of the bank he held in Douay – which refers to a rule of 1545 according to which “les tenans table et y participans ne peuvent se porter pour gens de bien et hanter les Eglises, sans encourir les peines de droict”¹⁸.

Instead, a conditioned citizenship emerges by the confessions of *usure* and *male ablata* (i.e. the ill-gotten gains), by which Lombards declared illicit earnings to parish priests or curia prelates and, by means of a fine, obtained reintegration within citizenship and the right to religious funerals¹⁹.

Often the confessions, rather than condemning unfair credit practices, legitimised articulated business relationships, with the supervision and correction of the Church. In this framework, the curia and the parish were the nodes of aggregation of different dynamics: the ecclesiastical regulatory intervention, in fact, marked the intersection between the concrete needs of the market, the community rooting and the regulation by the Church of social and financial relations.

The parish could be the place of exclusion but at the same time it proved to be both the space for negotiating reintegration and the institution that mediated – in relation to society and the bishop’s authority – the conflicting drives that ran through the credit market.

3. The usurious prejudice

A historiographical myth that has been profitably revisited in recent years²⁰ is that of the identification between Lombards and public usurers. Linked to this evaluation was the alleged ‘qualitative’

¹⁷ Archives générales du Royaume, Bruxelles, 18, § 86 (in Myriam Greilsammer, *L'usurier chrétien, un Juif métaphorique? Histoire de l'exclusion des prêteurs lombards [XIII^e-XVII^e siècle]* [Rennes: Presses universitaires de Rennes, 2012], 250).

¹⁸ Morel, *Lombards dans la Flandre*, 65, doc. 318.

¹⁹ Jean Schneider, “Les Lombards en Lorraine”, *Annuaire de la Société d'histoire et d'archéologie de la Lorraine* 79 (1979): 65-98.

²⁰ Bordone, “ ‘Usurai manifesti’ ”, 255-272.

difference between the activities of the Lombards and the merchant bankers²¹. The fact that the usurious prejudice had to be tempered is demonstrated by a more complete analysis of their high social status in their places of origin, as well as their insertion in the centres where they set up their tables and their sometimes striking political ascents even outside their homeland. Above all the role they played in European high finance, which led to the hypothesis of the existence of a real international economic lobby²² centred on the Lombards, helped to disprove the historiographic cliché that saw these operators not as businessmen but as an excluded or at least marginalised group.

In this regard, it should be noted that the reconstruction of the areas where Lombards settled in the cities of central and northern Europe has concretely highlighted their high-level insertion in the nerve centres of political and economic power. Indeed, in Ghent, Cologne, Champagne, Switzerland and Lorraine, the lenders' tables were located in the market areas, in the centre of the cities, in buildings belonging to them or granted by the community or the bishop²³.

Not even the late attestation of a Lombard *natio* is enough to demonstrate a qualitative inferiority in the exercise of credit compared to the companies of the Genoese, Florentines, Luccans and Venetians who were instead early coordinated in similar forms of diplomatic-commercial connection. It should be pointed out that not only from the late fifteenth century did the Lombards establish their own *natio* in the Netherlands which was active until the beginning of the seventeenth century, but previously the businessmen from Siena, Piacenza and Como had also lacked such associative structures and had chosen to gravitate towards other Italian communities²⁴.

As we mentioned earlier, the articulated system of relations underlying Lombard credit has been decoded by more recent histo-

²¹ Pia, "Multam pecuniam", 33-61.

²² Bordone, "Lobby finanziaria", 9-25.

²³ Bordone, "'Usurai manifesti'", 264.

²⁴ Giovanna Petti Balbi, *Mercanti e nationes nelle Fiandre: i genovesi in età bassomedievale* (Pisa: GISEM-ETS, 1996), 57.

riography on the basis of renewed attention to canonical and theological language. Usury, progressively freed from a purely economic reading, has been reconsidered with greater adherence to contemporary languages as a category with political as well as credit value²⁵. Far from constituting an exclusive attribute of Lombard finance, it gradually took shape as a political criterion delimiting the lawfulness of economic practice. In particular, a basic distinction was made in the quality of credit depending on whether it was exercised by *boni mercatores* – attentive to *publica utilitas* and for whom profit was not the main purpose²⁶ – or by a “negociator qui in negociando intendit lucrum tamquam fine ultimum: et cupit sine labore et sollicitudine ex avaritia divitia congregare” (“a merchant who in trading regards gain as his ultimate objective: and covets to accumulate wealth through avarice without effort and commitment”)²⁷. An indication of this distinction, clear in principle but blurred in practice, is the case of the Bolognese merchants and bankers who built their growing political role on the basis of a multi-faceted credit activity. In fact, it should be remembered that between the thirteenth and fourteenth centuries, for example, repentant usurers included exponents of Bologna’s main families such as Pepoli, Baciacomari, Tettalasini and Pizzigotti, lineages destined to give the city’s government radically innovative developments throughout the thirteenth century²⁸.

²⁵ Giacomo Todeschini, “Usury in Christian Middle Ages. A Reconsideration of the Historiographical Tradition (1949-2010)”, in *Religione e istituzioni religiose nell’economia europea, 1000-1800*, Atti della XLIII settimana di studi della Fondazione istituto internazionale di storia economica F. Datini, Prato, 8-12 maggio 2011, ed. Francesco Ammannati (Firenze: Firenze University Press, 2012), 119-130.

²⁶ Astesani de Ast, *Summa de casibus* (Lugduni: Stephani Gueynard alias Pinet, 1519), lib. III, tit. VIII, art. X, f. 106a (Giovanni Ceccarelli, “Usura e casistica creditizia nella *Summa Astesana*: un esempio delle concezioni etico-economiche francescane”, in *Ideologia del credito fra Tre e Quattrocento: dall’Astesano ad Angelo da Chivasso*, Atti del convegno internazionale, Asti, 9-10 giugno 2000, eds. Barbara Molina and Giulia Scarcia [Asti: Centro Studi sui Lombardi e sul credito nel Medioevo, 2001], 48).

²⁷ de Ast, *Summa*, f. 106d.

²⁸ Massimo Giansante, *Lusuraio onorato. Credito e potere a Bologna in età comunale* (Bologna: il Mulino, 2009), 56; Germana Albertani, *Città, cittadini, denaro. Il prestito cristiano a Bologna tra Due e Trecento* (Bologna: Clueb, 2011).

4. Usury and restitution between the episcopal *curia* and the parish

The concreteness of the relationships reveals that the same operators – whether or not they were Lombard – therefore implemented articulated credit practices, sometimes legitimate, sometimes bordering on or beyond legitimacy. Complex economic behaviour and social relations were thus intertwined and found an arrangement in the regulatory languages mediated by ecclesiastical institutions.

What mechanisms ensured the functioning of this vast work of evaluation, modulation and reorganisation of financial and community relations? As mentioned above, it was around the category of usury that paths of social and economic redefinition were outlined.

The definition of “*carta caucionis usurarum*” identified acts by which lenders acknowledged that they had publicly acted as usurers and ordered the restitution of *male ablata*²⁹. In these documents, drawn up in the presence of the bishop’s vicars, parish priests or religious, the lender swore to observe the mandates of the Church and confessed the usurious component of his activity. This was

²⁹ The title of the documents, *carta caucionis*, emphasised the forms of guarantee of restitution and, therefore, the registration of the notary of the *curia* was oriented above all to fix the rights that the Church acquired following the confession of usurers: Anna Maria Cotto Meluccio, Pietro Dacquino and Laura Franco, eds., *Carte astigiane del secolo XIV (1303, 1307-1310; 1310-1311)* (Asti: Il Platano, 1992), 179, doc. 271; 210, doc. 309. On legacies for the restitution of *male ablata*: Giovanni Chiodi, “Rolandino e il testamento”, in *Rolandino e l’ars notaria da Bologna all’Europa*, Atti del Convegno internazionale di Studi storici sulla figura e l’opera di Rolandino, Roma, 9-10 ottobre 2000, ed. Giorgio Tamba (Milano: Giuffrè, 2002), 462-496; Rollandini Rodhulphini Bononiensis, *Summa totius artis notarie* (Venetiis: Giunta, 1546, rist. anast. Bologna: Forni, 1977), f. 260-261. As regards the forms used in the acts, please refer to: Giovanni Ceccarelli and Francesca Frigeni, “Un inedito sulle restituzioni di metà Duecento: l’*opusculum* di Manfredi da Tortona”, in *Male ablata. La restitution des biens mal acquis, XII^e-XV^e siècles*, eds. Jean-Louis Gaulin and Giacomo Todeschini (Rome: École française de Rome, 2019), 25-50; *Un traité de morale économique au XIV^e siècle: le Tractatus de usuris de maître Alexandre d’Alexandrie*, ed. Alonzo Mario Hamelin (Louvain: Nauwelaerts; Montréal: Libr. Franciscaine; Lille: Giard, 1962); de Ast, *Summa* (Ceccarelli, “Usura e casistica”, 15-58). On a general level, a useful overview in Rowan William Dorin and Raffaella Bianchi Riva, “Usury and Restitution in Late Medieval Episcopal Statutes. A Case Study in the Local Reception of Conciliar Decrees”, *Bulletin of Medieval Canon Law* 38 (2021): 309-359.

followed by the quantification of the certain and uncertain usury and the commitment to cede to the Church an amount equal to the latter, guaranteed by obliging the usurer's assets or through the surety of third parties, usually family members. Uncertain usuries were entrusted to the ecclesiastics, while certain usuries were managed directly by the lender. The *carte caucionis*, since they were registered as credit titles for the Church, mainly regulated the restitution of uncertain usuries and in a few deeds there was a specification of the amount of certain usuries and the interest applied. In these cases the relations were certified by notarial deeds and there was a commitment to return them to all those who could prove that they had paid them.

Confessions, recorded by the *curia* notary, were made in the presence of clergymen or religious³⁰: the usurer was therefore at the centre of a network of relations formed by his clients, the guarantors and the men of the Church present at the confession. The confession was configured as the passage from the usurious management of credit to the virtuous circulation of money, destined “in pios usus et in pauperum erogacionem” for the benefit of the souls of the lender and his debtors: a passage solemnised by the participation of the vicars and exponents of the regular or secular clergy³¹. The confession was structured in such a way as to remedy deplorable behaviour and this overcoming was based both on the economic guarantees that

³⁰ Pietro Dacquino and Anna Maria Cotto Meluccio, eds., *Carte astigiane del secolo XIV* (Asti: Cassa di Risparmio di Asti, 1983), 275-276, doc. 165; Cotto Meluccio, Dacquino and Franco, *Carte astigiane* (1992), 160, doc. 248. On the role of the Franciscans: Giacomo Todeschini, *Ricchezza francescana. Dalla povertà volontaria alla società di mercato* (Bologna: il Mulino, 2004); Clément Lenoble, *L'exercice de la pauvreté. Économie et religion chez les franciscains d'Avignon (XIII^e-XV^e siècles)* (Rennes: Presses Universitaires de Rennes, 2013); on the use of credit instruments by the Franciscans: Antonio Rigon, “Fratelli minori, inquisizione e comune a Padova nel secondo Duecento”, in *Il Liber contractuum dei frati Minori di Padova e di Vicenza (1263-1302)*, ed. Elisabetta Bonato, con la collaborazione di Elisabetta Bacciga (Roma: Viella, 2002), XXIX.

³¹ Anna Maria Cotto Meluccio, Gian Giacomo Fissore and Laura Franco, eds., *Cartulari notarili dell'Archivio Capitolare di Asti* (Torino: Deputazione Subalpina di Storia Patria, 2002), 119.

ensure restitution – quantification of uncertain usury, obligation of the creditor’s assets or surety – and on the social certification of these commitments in which ecclesiastics played an important role.

An example of this is the case of Ranieri Buneo, a Lombard active in Lorraine, who, in his will of 1292, made out to the parish priest of St Amand in Toul, determined the refunds for its customers in Toul, Neufchateau, Ligny and neighbouring localities, as well as indicating bequests in favour of the church in Asti and Toul, respectively his place of origin and activity. His full reintegration into the community is confirmed by the fact that he is mentioned in the obituary of Toul Cathedral³².

Confession implied the admission of having acted as a usurer, but did not exclude an evaluation of the financial activity, an evaluation agreed between the penitent and the religious authority. Ranieri Buneo himself declared in his confession that he was not obliged to repay the lord of Neufchateau and the commune of Toul because they had made considerable profits from the loans granted to them³³.

Similarly, the confession of Boniface of Moncalieri – made in the presence of the bishop’s vicars and the rector of the Asti church of St Michael – was based on a precise evaluation of the economic transactions. He not only excluded the restitution of part of the usury because it had already been recognised and repaid abroad “ad voluntatem suorum confessorum ... in loco de Minfa”, but also specified the different rates applied, recommending that repayment only concern the usurious component of the transaction³⁴. The ecclesiastical sanction of the lender’s declarations constituted a *de facto* certification deli-

³² Schneider, “Lombards en Lorraine”, 65-98; Winfried Reichert, *Lombarden in der Germania-Romania*, II (Trier: Porta-Alba, 2003), 739-740; Renato Bordone, “I *male ablata* dei Lombardi fra sanzione ecclesiastica e riconoscimento pubblico nei Paesi Bassi”, in *Male ablata. La restituzione des biens mal acquis, XII^e-XV^e siècles*, eds. Jean-Louis Gaulin and Giacomo Todeschini (Rome: École française de Rome, 2019), 243-251.

³³ Please refer to the previous footnote.

³⁴ Cotto Meluccio, Dacquino and Franco, *Carte astigiane* (1992), 285, doc. 439.

miting the scope of usurious practices and – subject to the compensation provided for – readmitting the lender within the community.

The definition of usurious relations through the mediation of the Church was probably not unrelated to the need to dispose efficiently of one's assets. This is suggested by the will of Baldizzone Saracco from Asti in which it was specified that, for *usure* and *male ablata*, the provisions of a previous *instrumentum* stipulated “in manibus vicariorum [episcopi]” should be observed³⁵. A complementarity therefore emerges between the definition of certain and uncertain usury and the management of the estate. Moreover, the XXVII constitution of the II Council of Lyons (1274) provided that “testamenta quoque manifestorum usurariorum aliter facta non valeant sed sint irrita ipso iure”³⁶. The economic resources destined for heirs or legacies had to be freed, therefore, from any pending issues relating to the solution of usurious relations. Moreover, at the level of social sanction, the inheritance structure of the estate acquired – once the obligations connected with the usurious activity had been exhausted – an obvious legitimacy.

By accepting the delegation of the management of usurious gains, the clergy confirmed their specialisation in regulating economic and social relations. The ecclesiastics, in fact, evaluated the terms of the confession and in some cases quantified a penalty, defined as *taxatio*, to be paid by the usurer. In substance, these formalities legitimised a sort of reintegration of the lender and his family into a community network. The social position of the confessed usurers and their descendants seems to be the criterion on which the Church based the remission of the restitution of the *male ablata*, reduced in some acts to less than 5% of the declared amount. The heirs' poverty, the need to marry off the lender's daughters or granddaughters, or unspecified decisions by the vicars justified the substantial reduction

³⁵ Cotto Meluccio, Dacquino and Franco, *Carte astigiane* (1992), 285-287, doc. 440.

³⁶ Bordone, “Male ablata”, 250.

in the commitments made by the usurers in their confessions³⁷. It was a compromise in which the condemnation of economic behaviour was assessed in terms of its consequences on the system of social relations. The result of the Church's intervention was generally not represented by the collection of taxation or large sums of money from usury, but by the control of the placement of the families of the lenders in the network of community relations. This was not a foregone conclusion or a mere formality, but a prerogative that the bishop's representatives reserved for themselves, as demonstrated by some cases brought by vicars against heirs who refused to return usury indicated by their relative³⁸. The sanction for such behaviour was excommunication which, as an exclusion from the society of the faithful, was the opposite outcome to the social reintegration of the notorious usurer and his family based on confession and the entrusting of uncertain usury³⁹.

The restitution mechanisms were based on a complex system of relations centred on lenders, heirs and their debtors; on the certification of credit relations by means of *instrumenta* involving notaries as depositaries of public faith; and, finally, on representatives of the ecclesiastical authority. This framework testifies, in widespread economic practices, to the complexity of the ties that innervated the

³⁷ Cotto Meluccio, Dacquino and Franco, *Carte astigiane* (1992), 184-186, doc. 278; 227-228, doc. 325.

³⁸ Cotto Meluccio, Dacquino and Franco, *Carte astigiane* (1992), 317-318, doc. 512-513; 376, doc. 627-628.

³⁹ It is no coincidence that in these documents, in addition to the social practices to which the obligation to avoid the recipients of excommunication refers – “comedendo, bibendo, barbam tondendo, negocia faciendo, participando” – there appear meticulous lists of people who are forbidden to have any contact with the excommunicated persons; in this way, excommunication determined a clear social exclusion that affected not only the family networks, but also the economic relations of the excommunicated persons (Cotto Meluccio, Dacquino and Franco, *Carte astigiane* [1992], 443, doc. 798; 497, doc. 911). On excommunication, the following studies are very useful: Elisabeth Vodola, *Excommunication in the Middle Ages* (Berkeley, Los Angeles, London: University of California Press, 1986); Véronique Beaulande, *Le malheur d'être exclu? Excommunication, reconciliation et société à la fin du Moyen Âge* (Paris: Publications de la Sorbonne, 2006). On the issue of “controversa appartenenza civica”: Todeschini, *Visibilmente crudeli*, 127.

community. These relations accompanied the virtuous circuit of restitution, but – confirming the social rootedness of these relations – also emerged in the deviant behaviour to which the usurer resorted in order not to render the *male ablata*. This is demonstrated by the recommendation to confessors to beware of the danger of misappropriation of the lender’s assets:

Item sunt aliqui usurarii qui dant amicis suis omnia bona sua et per manum notariorum de hoc faciunt occulte fieri publica instrumenta ... et omnia mobilia dant in potestate sacerdotis et de immobilibus suis faciunt breviter omnia quecumque sacerdos sibi voluerit imperare et quando sepultus est in cimiterio post aliquot dies ... veniunt amici et parentes et dicunt sacerdoti: domine, de bonis que dedit vobis ille defunctus non potestis reddere qui[d]cumquam, quia nichil [h]abebat ... omnia donaverat et ecce videte de hoc multa instrumenta⁴⁰. (There are usurers who donate to their friends all their possessions and for this purpose secretly have notarial deeds drawn up [but in confession] they give all their movable property to the priest and as regards immovable property they do whatever the priest orders and when [the usurer] has been buried in the cemetery, after a few days his friends and relatives come and say to the priest: “Sir, with the property which that deceased gave you, you cannot make any restitution, because he [the usurer] had nothing ... he had donated everything and behold you see here many deeds [proving it]”).

⁴⁰ Giancarlo Andenna, “ ‘Non remittetur peccatum nisi restituatur ablatum’ (c. 1, C. XIV, q. 6). Una inedita lettera pastorale relativa all’usura e alla restituzione dopo il secondo concilio di Lione”, in *Società, istituzioni, spiritualità. Studi in onore di Cinzio Violante* (Spoleto: Cisam, 1994), 106; Mark Koyama, “Evading the ‘Taint of Usury’. The usury prohibition as a barrier to entry”, *Explorations in Economic History* 47, no 4 (2010): 420-442.

It is evident that extensive networks of relationships emerge both from the dynamics of legitimate credit – or in search of *ex post* legitimacy, as in the case of usurers who have embarked on a proper penitential procedure – and from those “de malitia cogitate”, as revealed by the sale of assets to friends and relatives to make restitution impossible⁴¹.

Structurally embedded in complex community networks, credit could be located inside or outside citizenship⁴², depending on the quality of the operators’ behaviour, on which the Church’s evaluative intervention focused. This evaluation, as we have seen, presided over a process of reintegration through restitution which was configured as a way of inclusion in a system characterised by the convergence of the languages of civil belonging and participation in the *societas christiana*.

From the Lombards’ point of view, what were the strategies used to negotiate their social inclusion? In what way, that is, did this category of operators insert their objectives within the language mediated by the Church authorities and recompose the delegitimising pressure originating from the political authorities? The impression is that Church and government interventions were conditioned by the inescapable need of communities and states to take advantage of the credit of the Lombards. They brought specific technical expertise, significant economic resources and mediation skills that were essential for the functioning of the economy. The accusation of usury constituted a *vulnus*, but financial experience enabled the Lombards to handle even this recurring threat to their operations. If not always deeply rooted in full citizenship, the Lombards by the very nature of their business were certainly rooted in the multiform and pervasive credit

⁴¹ Andenna, “Non remittetur”, 107.

⁴² On citizenship understood as “appartenenza istituzionale, regolata, contrattata, messa per iscritto, a una comunità civica” and on the related bibliography: Giacomo Todeschini, “*Intentio e dominium* come caratteri di cittadinanza”, in *Cittadinanze medievali. Dinamiche di appartenenza a un corpo comunitario*, ed. Sara Menzinger (Roma: Viella, 2017), 229-245.

dynamics that innervated society. Pragmatically, it was with this concrete force that the secular and ecclesiastical powers had to contend, and it was thanks to this role, for a long time ineliminable, that the centuries-old European fortune of the subalpine operators was built.

Conclusions

The centrality of the guarantor role assumed by the Church – through the evaluative interventions of bishops, vicars, parish priests and religious – in the management and redefinition of economic relations emerges.

The examination, in diachronic and diatopic terms, of the documentation relating to credit relations shows that the parish clergy constituted the most direct reference for the bishop's curia in the management of credit relations of uncertain solution. This function allowed mediation 'from within', that was able to intervene in the actual credit dynamics that innervated society. Moreover, the convergence of the various market players on ecclesiastical staff is precisely the sign of the functionality of this mediation.

This convergence is confirmed by the numerous confessions of usury and *male ablata*; far from the "hypocritical moralisation of speculative practices"⁴³, the *confessiones* made it possible to correct economic deviations, 'certifying the balance sheet' of articulated credit networks and legitimising their operation.

The pattern that has been reconstructed can help to restore the relationship between credit and belonging and the pervasiveness of ecclesiastical lexicons in the reorganisation of economic and indeed social relations.

⁴³ Giacomo Todeschini, *I mercanti e il tempio. La società cristiana e il circolo virtuoso della ricchezza fra Medioevo ed Età moderna* (Bologna: il Mulino, 2002), 133-185.

Attention to the Church's regulatory interventions therefore allows a more articulated contextualisation of the credit dimension of community relations, as opposed to a vision 'stuck' on the question of usury understood as a limit and deviation, stigmatised by theologians but equally practised by 'unscrupulous' financiers. The centuries-old history of the Lombards thus highlights a relationship that, thanks to the Church's regulatory powers – often delegated to parish priests –, concretely linked ecclesiastical languages to the social impact of credit practices.

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**MEDIEVAL JEWISH QUARTERS IN
NORTHERN FRANCE AND URBAN PARISHES
(TWELFTH-FOURTEENTH CENTURIES):
PLACES OF IDENTITY AND COHABITATION**

Manon Banoun

Université Paris 1 Panthéon-Sorbonne, Archéologies et Sciences de l'Antiquité
(UMR 7041)

ORCID ID: 0009-0006-9305-6047

Abstract: Jewish communities have been observed to have flourished in numerous cities across Western Europe since the early Middle Ages, as evidenced by the gradual establishment of Jewish quarters. Functioning as both identity spaces and sites for exchange and cohabitation, medieval Jewries were integrated into the parishes in diverse ways, contingent upon specific contexts and historical periods. This presentation aims to explore the intricate relationships between Jewish communities and medieval parishes, with a particular focus on the apparent tension arising from the spatialization of identity through community spaces shared with other religious groups. To achieve this objective, the study will examine four cities located in *Tsarfat* (corresponding to Northern France for medieval Jews), namely Paris, Rouen, Orléans, and Provins, spanning the period from the twelfth to the fourteenth century, employing an archaeological and topographical approach. By analyzing the physical layout and urban organization of these cities, the research endeavours to shed

light on the dynamics of interaction between Jewish communities and the broader societal framework of medieval parishes.

Resumo: Desde a Alta Idade Média, as comunidades judaicas floresceram em numerosas cidades da Europa Ocidental, como o demonstra o aparecimento gradual de judiarias. Funcionando como espaços de identidade e locais de intercâmbio e coabitação, as judiarias medievais foram integradas nas paróquias de diversas formas, dependendo dos respectivos contextos e períodos históricos. Esta apresentação tem como objetivo explorar as intrincadas relações entre as comunidades judaicas e as paróquias medievais, com particular incidência na aparente tensão decorrente da espacialização da identidade em espaços comunitários partilhados com outros grupos religiosos. Para atingir este objetivo, o estudo examinará quatro cidades localizadas no *Tsarfat* (correspondente ao Norte de França para os judeus medievais), nomeadamente Paris, Rouen, Orléans e Provins, abrangendo o período entre o século XII e o século XIV, utilizando uma abordagem arqueológica e topográfica. Através da análise do traçado físico e da organização urbana destas cidades, a investigação procura esclarecer as dinâmicas de interação entre as comunidades judaicas e o quadro social mais vasto das paróquias medievais.

The medieval city in Northern France had several political, religious and social divisions, either imposed on or developed autonomously. Quarters and parishes are part of these divisions, and their genesis can be obscure. Indeed, they could originate from both sociological and religious mechanisms and a political will to organize the urban space to the benefit or detriment of certain social groups. The parish is a well-known constituency: it corresponds to a community of worshippers living in a territory governed by the spiritual authority of a church and its priest. However, it is more difficult to find a clear definition of an urban quarter or neighborhood. It often is more general, referring to a part of a city endowed with a certain unity

associated with specific characteristics. The global definition given by Robert Descimon and Jean Nagle is just as vague: according to them, urban quarters correspond to “a fraction of urban territory with a recognized unity” that may result from “a geographical reality” or “an administrative act”¹. Even though these definitions are quite imprecise, they provide a preliminary analytical support for the reflection on Jewish quarters. In the Middle Ages, these neighborhoods, also called Jewries, were urban sectors where Jewish housing and Hebraic ritual facilities were gathered, but where Jews were not bound to dwell and where Christians also resided. It is therefore another type of community space which is not governed by the authority of a cleric, but which corresponds to the gathering of a religious minority around identity cult buildings.

Even if the French history of medieval Jewish quarters and urban parishes do not share a common historiography, the latter is still relatively recent in both cases. Indeed, the interest in medieval parishes by French researchers has been focused for a long time on rural contexts, neglecting urban constituencies which are perhaps more complex to discuss². In the 1970s, Jean Gaudemet³ was the first historian to point out the need to study the urban parish, arguing that the first episcopal communities were mainly urban. This wish would be partly fulfilled by Pierre Desportes ten years later in his article “Cities and parishes in northern France in the Middle Ages”⁴, and then widely extended and developed by the initiative of several researchers. This increasing interest on urban parishes resulted in important publications, such as the collective work edited by Anne

¹ Robert Descimon and Jean Nagle, “Les quartiers de Paris du Moyen Âge au XVIIIe siècle. Évolution d’un espace plurifonctionnel”, *Annales. Économies, sociétés, civilisations* 34, n° 5 (1979): 956.

² Anne Bonzon, “Introduction”, in *La paroisse urbaine, du Moyen Âge à nos jours* (Paris: Editions du Cerf, 2014), 12.

³ Jean Gaudemet, “La paroisse au Moyen Âge”, *Revue d’histoire de l’Église de France* 59, n° 162 (1973): 7.

⁴ Pierre Desportes, “Villes et paroisses en France du nord au Moyen Âge”, *Histoire, économie et société* 4, n° 2 (1985): 163-178.

Bonzon, Philippe Guignet and Marc Venard⁵, which deals exclusively with the urban parish from the Middle Ages to contemporary times. Research on urban parishes also benefited from the great development of publications focusing on rural parishes, such as the studies conducted by Elisabeth Zadora-Rio⁶, or on the territorialization process of medieval parishes, both urban and rural, carried out by Michel Lauwers⁷.

Like the urban parish's historiography, that of medieval Jewish quarters dates back to the second half of the twentieth century. A first synthesis was provided by Gilbert Dahan in 1980 in the book edited by Bernhard Blumenkranz, *Art et Archéologie des Juifs en France médiévale* (Jewish Art and Archaeology in medieval France)⁸. More specific studies had already been carried out before, such as the topographical analysis of the medieval Jewish quarters of Provence led by Danièle Iancu-Agou in 1970⁹, but also much more extensive surveys concerning the medieval Jewish communities. Indeed, in 1897, Heinrich Gross published his *Gallia Judaica*¹⁰: based on rabbinic sources, the book records the Jewish history of every French locality in the Middle Ages. While this work did not focus specifically on medieval Jewish neighborhoods, it did provide an initial survey and a starting point for the later studies mentioned above. Since Blumenkranz's work, the interest in medieval Jewish settlements grew sharply. This is in particular due to the initiative of the *Nouvelle Gallia Judaica* (New Gallia Judaica), a research group that intends to extend Heinrich

⁵ Anne Bonzon, Philippe Guignet, and Marc Venard, *La paroisse urbaine, du Moyen Âge à nos jours* (Paris: Editions du Cerf, 2014).

⁶ Elisabeth Zadora-Rio, *Des paroisses de Touraine aux communes d'Indre-et-Loire. La formation des territoires* (Tours: Fédération pour l'édition de la Revue archéologique du Centre de la France, 2008).

⁷ Michel Lauwers, «Paroisse, paroissiens et territoire. Remarques sur *parochia* dans les textes latins du Moyen Âge», *Médiévales*, n.° 49 (1 décembre 2005): 11-32, <https://doi.org/10.4000/medievales.1260>.

⁸ Gilbert Dahan, «Quartiers juifs et rues des juifs», in *Art et archéologie des Juifs en France médiévale*, ed. by Bernhard Blumenkranz (Toulouse: Privat, 1980), 15-32.

⁹ Danièle Iancu-Agou, «Topographie des quartiers juifs en Provence médiévale», *Revue des études juives* t. 133, n.° 1-2 (juin 1974): 11-156.

¹⁰ Henri Gross, *Gallia Judaica. Dictionnaire géographique de la France d'après les sources rabbiniques [1897]* (Paris-Louvain: Peeters, 2011).

Gross' work using various sources, both textual and topographical but also material ones. This work has so far resulted in two works recording rural and urban Jewish settlements in Provence¹¹ and in Alsace and Lorraine¹².

Although these two phenomena have a rather recent historiography, they have rarely been studied together. On the one hand, the medieval urban parishes' analysis has rarely been compared to that of neighborhoods, and especially not with that of Jewish quarters. On the other hand, medieval Jewish communities' historiography has neither addressed the question of the connection between these places of life and the pastoral districts, nor of the insertion of the former into the latter. However, though parishes and Jewish quarters relate to different urban realities and territorial use, they both address the same necessary proximity between a place of worship and its worshippers¹³. It is therefore interesting to compare these two territorial divisions that partition the same space, which is theoretically experienced differently. We will therefore try to understand how Jews fit into this geographical, administrative and social framework in the Middle Ages and what were their relationship with parish communities. To do so, a method relying essentially on the combination of textual, material and topographical sources will be used. Archaeological data, planimetric documents and written sources will be crossed to identify Jewish quarters in the medieval urban landscape and to understand their organization and evolution, as well as to analyze their insertion in the "ecclesiastical network"¹⁴ of the cities studied. This methodology has already been used to study Iberian Jewries, such as in Toledo

¹¹ Danièle Iancu-Agou, *Provincia Judaica. Dictionnaire de géographie historique des juifs en Provence médiévale* (Paris-Louvain: Peeters, 2010).

¹² Simon Schwarzfuchs and Jean-Luc Fray, *Présence juive en Alsace et Lorraine médiévales : dictionnaire de géographie historique* (Paris: Éditions du Cerf, 2015).

¹³ Lauwers, "Paroisse, paroissiens et territoire. Remarques sur *parochia* dans les textes latins du Moyen Âge".

¹⁴ Zadora-Rio, *Des paroisses de Touraine aux communes d'Indre-et-Loire. La formation des territoires*, 19.

which has been extensively analyzed by Jean Passini¹⁵. The recent ANR research program VISMIN, led by Claire Soussen, is also based on this association of different historical sources to examine the evolution of the Jewish minority's place in some emblematic cities of the Crown of Aragon.

This study focuses on the Jewish quarters of northern France, more specifically those of Paris (Île-de-France, Paris), Orléans (Centre-Val de Loire, Loiret), Rouen (Normandie, Seine-Maritime) and Provins (Île-de-France, Seine-et-Marne)¹⁶. These four cities, which differ in size and significance, all experienced varying degrees of urban development in the late Middle Ages. Paris, one of the itinerant capitals of the palace under the Merovingians, established its primacy under the Capetians, who set up the institution of central power there, particularly since Philip Augustus (1180-1223). As for Orléans, it already was a rich and dynamic city under the Carolingians, but its royal destiny really began under the Capetians. Indeed, kings granted it several favors and the city gained influence thanks to the importance of its royal bishopric. Thus, Orléans maintained close ties with the king, as shown by the construction of the royal palace in the Châtelet district, probably built from the ninth century onwards¹⁷. This particular status resulted in a highly developed parish geography, similar to that of Paris, for both cities had many parishes, especially in the center, where they tended to be very small and their boundaries closely intricate. As for Rouen, the city grew from a regional capital to the center of the vast Plantagenet empire between the second half of the eleventh century and the beginning of the thirteenth century. In 1204, the city was taken by Philip Augustus and Normandy was attached to the royal domain. Despite these

¹⁵ Jean Passini, "Reconstitution de la *juderia* de Tolède", in *L'archéologie du judaïsme en France et en Europe*, ed. by Paul Salmona et Laurence Sigal (Paris: Éditions La Découverte, 2011), 103-114.

¹⁶ See figure 1 below.

¹⁷ Jacques Debal, *Histoire d'Orléans et de son terroir. Des Origines à la fin du XVI^e siècle*, vol. 1 (Le Coteau: Horvath, 1983), 260.

political upheavals, Rouen's urban and economic development carried on in the late Middle Ages, as the city took advantage of both French and overseas markets. Finally, Provins was attached to the county of Champagne that was finally incorporated into the royal domain by Philip the Fair (1285-1314) in 1284. This agglomeration is not the seat of a bishopric, unlike Orléans, Rouen and Paris, that is why its parish geography was less developed than that of these three cities. Indeed, the city only had four parishes at the beginning of the thirteenth century. Nevertheless, Provins was a fair town where the Count of Champagne had one of his palaces. Therefore, these four examples offer different elements of comparison on a coherent basis, for they were all part of the Capetian kingdom at some point, and they also belonged to a territory referred to by Jews as *Tsarfat* in Hebrew. If today it corresponds to France, this term was used in the Middle Ages by rabbis, such as Benjamin of Tudela, to refer to *Île-de-France* or, by extension, northern France as opposed to the *Midi*, called *Proventsa* in Hebrew.¹⁸ *Tsarfat* thus corresponded to the Oil-speaking France north of the Loire and to a coherent territory in Jewish and Christian representations. It was geographically and culturally close to the *Ashkenazi* regions, with which *Tsarfat* Jews exchanged and traded extensively. In the Middle Ages, *Ashkenaz* referred to the Rhineland regions where important Jewish communities developed, such as the *SchUM* community that united the Jewish population of Speyer, Worms and Mainz. But northern France Jews could also be referred to as *Ashkenazi*, so *Tsarfat* is generally considered to have been a subgroup of *Ashkenaz*¹⁹. That is why the data resulting from the study of Paris, Orléans, Rouen and Provins will be compared with Rhineland cities with important Jewish

¹⁸ Gross, *Gallia Judaica. Dictionnaire géographique de la France d'après les sources rabbiniques* [1897], 537.

¹⁹ Pam Manix, "Oxford: Mapping the Medieval Jewry", in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries), Proceedings of the International Symposium held at Speyer, 20-25 October 2002*, ed. by Christoph Cluse (Turnhout: Brepols, 2004), 406.

communities in the Middle Ages, such as Cologne, Regensburg and Frankfurt²⁰. Moreover, Rhineland Germany has a more extensive Jewish archaeological corpus than France, thanks to a greater number of archaeological remains that clearly attest to ancient Jewish settlements, and because German research is more developed in this field. Medieval Jewries of Western Germany are therefore significant sources of comparison.

This study will focus on the late Middle Ages, in particular on the twelfth, thirteenth and fourteenth centuries. This period bears witness to both the great intellectual and economic development of Jewish communities in northern France, which probably began in the High Middle Ages, but also to a gradual deterioration of Jewish life in Western Europe from the thirteenth century onwards, particularly since the expulsion of 1182. We shall therefore see whether this gradual change led to modifications in the way Jews lived in the city in the Capetian kingdom, which was home to Jewish communities until the final expulsion of 1394. Moreover, this period also corresponds to the development of parishes in urban areas. Indeed, Charles Mériaux²¹ asserts that it is from the eleventh century onwards that autonomous urban religious institutions appear, even if sanctuaries had already been framing worshippers' life since the early Middle Ages, like suburban monasteries. According to him, "it is not so much the multiplication of churches in the city as the concentration of pastoral functions in a single place that gives rise to urban parishes"²². In other words, from this period onwards, the dense network of urban churches was ordered and ranked, more than it had ever been before. This wave of parish creations, which began in the eleventh century, ended in the thirteenth century according to Jean-Michel

²⁰ See figure 2, below.

²¹ Charles Mériaux, "La vie religieuse dans les cités de Gaule, Ve-VIIIe siècle", in *La paroisse urbaine, du Moyen Âge à nos jours* (Paris: Editions du Cerf, 2014), 19.

²² Mériaux, "La vie religieuse dans les cités de Gaule, Ve-VIIIe siècle", 34.

Matz²³, as in most cities the urban parish framework took on its definitive form in the thirteenth century. The period extending from the twelfth to the fourteenth century is therefore particularly fertile for urban history, because cities acquired an administrative and religious framework that will endure over time, and for they also are a place of life and meeting between several religious communities in full expansion.

Within this framework, we will first outline the constitution of Jewish quarters as urban community territories. Then, we will demonstrate that they are spaces in constant evolution and in interaction with dynamic pastoral districts during the twelfth and thirteenth centuries. Finally, we will develop the question of the progressive rejection of these community places on the outskirts of the city from the fourteenth century onwards, that went along with an impoverished dialogue between Jews and parishioners.

1. The construction of a community organization in medieval Jewish quarters

Jewish presence on French territory is documented since Antiquity, thanks to archaeological finds in southern France. For example, a terracotta oil lamp decorated with a *menorah*, the seven-branched candelabrum, was discovered in Orgon (Provence-Alpes-Côte d'Azur, Bouches-du-Rhône) in 1967²⁴; this is the oldest evidence attesting to an ancient Jewish presence on French territory, since it dates back to the first century B.C. Though the diffuse presence of artifacts such as this one testifies to the presence of Jews since Antiquity, it does not confirm that this was a permanent settlement. As for textual

²³ Jean-Michel Matz, "Paroisses urbaines et polycentrisme religieux dans les cités épiscopales de la France de l'ouest. État de la question, XIIIe-début XVIe siècle", in *La paroisse urbaine, du Moyen Âge à nos jours* (Paris: Editions du Cerf, 2014), 67-69.

²⁴ Émilie Porcher, "Un témoin précoce de la culture juive en Gaule", in *Archéologie du judaïsme en France*, ed. by Paul Salmona (Paris: La Découverte, 2021), 31.

sources, they document the existence of permanent Jewish urban settlements from the early Middle Ages onwards. For example, Grégoire de Tours relates in *Historia Francorum* the entry of King Gontran into Orléans on July 4, 585. According to him, Jews took part in the procession, and they asked the king to rebuild their recently destroyed synagogue.²⁵ The presence of the Jewish community and the mention of a synagogue plead in favor of a long-lasting and relatively ancient settlement of the Jews in the city.

For a Jewish community to prosper in a city, it needs certain religious and cultural facilities so as to live in accordance with the *Halakha*.²⁶ *Tsarfat* and *Ashkenaz* Jewries generally consisted of a synagogue, a ritual bath (*mikveh*)²⁷, a rabbinical school (*yeshivab*), a bakery and/or a butchery and a well. In addition, there may be a dance and wedding house (*Tanzhaus*) and a hospice. These facilities, which are often evidenced by written sources, toponymy or their record on ancient maps and plans, are rarely found in archaeological context. Indeed, they may have been destroyed or reused and diverted from their original function, making them difficult to identify. However, the association of these different sources helps us understanding the organization of this community space.

Thanks to a comparative analysis of medieval Jewish quarters in northern France and Rhineland Germany, we have been able to distinguish two types of community organization in medieval Jewries. They can either be organized around a polyfunctional synagogue, like in Provins for its medieval synagogue hosted different functions and facilities, or developed into a more important synagogal complex such as in Cologne. In the Middle Ages, Provins was home to two Jewish neighborhoods, one in the Upper Town where the *castrum* was first developed, and another one in the Lower Town that was

²⁵ Grégoire de Tours, *Histoire des Francs*, ed. by François Guizot, vol. 1 (Paris: J.-L.-J. Brière, 1823), 129-130.

²⁶ The set of religious laws specific to Judaism derived from the Torah and the Talmud.

²⁷ Jewish ritual bath allowing to realize ablutions necessary to rites of family purity.

urbanized later on²⁸. The political, religious and economic poles were hence located in the upper part of the city, namely the count's palace, the collegiate church of Saint-Quiriace, whose parish extended over the entire Upper Town, and the *Place du Châtel* where one of the three annual fairs of Provins was held. It is also on this territory that a Jewish quarter developed, surrounded by all these elements and in front of the Great Tower that recalled the count's authority. Though it probably dates back to the early Middle Ages²⁹, it is only attested in 1172 with the mention of a *four de la Juiverie* (Jewry's oven)³⁰. In addition to this oven, we know that the Upper Town's Jewish community also had a synagogue, a *mikveh*, a butcher shop and a leprosarium.³¹ Of these ritual facilities, only the synagogue and the *mikveh* remain today. The former was identified by the archaeologist Juliette Astruc³² in 1996 who, based on written documentation, had been able to associate the ancient medieval synagogue with the *Hôtel Desmarets*, a large property that combined several ancient plots of land and medieval buildings, of which only a set of lower rooms remains today³³. It is in these rooms that the *mikveh* was located, made of a small rectangular underground pool covered by a barrel vault and accessible by about ten steps³⁴. The water, which still floods the pool by capillary action, comes from an underground resurgence.

²⁸ See figure 3, below.

²⁹ Emily Taitz, *The Jews of Medieval France, The Community of Champagne* (London: Greenwood Press, 1994), 97.

³⁰ Juliette Astruc, "La Juiverie de la Ville Haute de Provins : étude historique et de topographie urbaine" (Master diss. Université Paris 1 – Panthéon Sorbonne, 1996), 35.

³¹ François-Olivier Touati, "*Domus judaeorum leprosorum* : une léproserie pour les Juifs à Provins au XIIIe siècle", in *Fondations et oeuvres charitables au Moyen Âge, 121e congrès international des Sociétés historiques et scientifiques (Nice, 26-31 octobre 1996)*, ed. by Jean Dufour et Henri Pletelle (Paris: CTHS, 1999), 97-106.

³² Astruc, "La Juiverie de la Ville Haute de Provins : étude historique et de topographie urbaine" p. 32-35.

³³ See figures 4 and 5, below.

³⁴ See figure 6, below.

From a morphological point of view, it could well be a Jewish ritual bath, since it conforms to the ritual prescriptions that require pure, unchannelled water, i.e. rainwater or water from a spring or a water table. This concrete constraint might have been decisive to choose this place as settlement for the synagogue, which could have been associated with the ritual bath since the latter's creation or later on. Indeed, the *mikveh* is the most important equipment for Jewish communities and it obeys to strict rules of implantation, while the synagogue can be located in any type of building³⁵. So it is very likely that a relatively small urban community such as in Provins would choose to combine these two ritual facilities in the same building. This coexistence helped us forging the concept of multifunctional synagogues, that has been encountered elsewhere in slightly different versions. For example, in Lagny-sur-Marne³⁶ (Île-de-France, Seine-et-Marne), not far from Provins, a potential medieval synagogue was unearthed by Claude de Mecquenem and Franck Mallet in 1999. It was probably associated with a ritual bath, located in an annex adjoining the main room: deeply recessed, this space had a very restricted primitive access and was not in direct communication with the synagogue itself, unlike Provins' *mikveh* which is inserted in one of the three lower rooms located under the *Hôtel Desmarets*. The same situation was encountered in Montpellier where the medieval synagogue was studied by Astrid Huser³⁷: the synagogue was made of two buildings, one for the synagogue itself and one for the *mikveh*. Unlike in Lagny-sur-Marne, where the *mikveh* was only adjacent to the synagogue, the two buildings are in direct communication.

³⁵ Claire Soussen, *La pureté en question. Exaltation et dévoiement d'un idéal entre juifs et chrétiens* (Madrid: Casa de Velasquez, 2020), 203.

³⁶ Astrid Huser and Claude de Mecquenem, "Tsarfat et Provintzia, aspects des judaïsmes médiévaux européens. Les sites de Montpellier et Lagny-sur-Marne", *Archéopages*, n.° 25 (avril 2009): 30-31.

³⁷ Huser and de Mecquenem, "Tsarfat et Provintzia, aspects des judaïsmes médiévaux européens.", 32-33.

These three examples, though they all testify to a different imbrication of the *mikveh* and the synagogue, are however based on the same organizational model: the polyfunctional synagogue. It is a building that combines several functions, including that of the synagogue, but where one can also find a *yeshivah* and sometimes a *mikveh*. It can also be a meeting place for rabbinical authorities or for every kind of people. The Provins' synagogue was thus part of this type of polyfunctional building, as the *mikveh* was located in one of the three lower rooms which were accessible from an inner courtyard, as it was often the case for medieval synagogues. The room with the *mikveh* was the largest and most richly decorated, so it is very likely that it was the seat of worship. The other smaller rooms must have had other functions: they could have served as annexes, but also as a place of prayer for women or as a place of study. The upper levels, which were extensively altered in modern and contemporary times, may have had domestic function, serving as living quarters for the rabbi and his family, as it was the case in Cologne, for example³⁸.

While the polyfunctional synagogue hosts most of the religious facilities in one building, the synagogal complex is made of several ritual and community buildings that are all gathered in one place. In this scheme, buildings thus had a clearly defined function and their distribution in the urban fabric follows some constants observable in several medieval Jewries. Indeed, the synagogal complex is organized around a synagogue associated with an inner courtyard and around the latter are located other ritual or cultural facilities. The case of Cologne is the most enlightening in this respect: around the *Schulhof* (school courtyard) are distributed the ritual bath, hot baths, a bakery, a *Tanzhaus*, a well and a hospice³⁹. An almost

³⁸ Marianne Gechter and Sven Schütte, *Köln: archäologische Zone jüdisches Museum. Von der Ausgrabung zum Museum – Kölner Archäologie zwischen Rathaus und Praetorium. Ergebnisse und Materialien 2006-2012* (Köln: Die deutsche Bibliothek, 2012), 152-153. See figure 7, below.

³⁹ Gechter and Schütte, *Köln: archäologische Zone jüdisches Museum*.

similar organization can be found in Regensburg, although the hospice is located further north in another part of the neighborhood.⁴⁰ However, the existence of a synagogal complex does not exclude that of a multifunctional synagogue around which other Hebrew facilities would be located. In Provins for example, the Jewry's oven is situated just north of the synagogue, on the other side of the rue du Palais, as the multifunctional synagogue can still polarize other community buildings around it.

The heart of a medieval Jewry thus consisted in a religious center, whether it was simply composed of a polyfunctional synagogue or of a cultural and religious complex gathering specific buildings. Jewish but also Christian houses were distributed around this center, either in direct vicinity or in adjacent streets. Thus, the medieval Jewish quarter was not a secluded entity, but a space that remained open to the city, even the synagogue itself: though its entrance was rarely on a main street, it was still perceived by Christians as a public space they could have access to⁴¹. Besides, the Jewish quarter's limits fluctuate, so drawing a linear determination of their limits is hardly possible, even when they are surrounded by walls and gates. It is therefore interesting to analyze the relationships between an urban territory with fluctuating boundaries and the parish, whose limits were, on the contrary, established progressively.

2. Community spaces in the city, superimposition of urban structures or real dialogue? (Twelfth-thirteenth centuries)

To understand the interactions between Jewries and parishes, Jews and parishioners as neighbors, we need to understand the

⁴⁰ Sylvia Codreanu-Windauer, "Archéologie du quartier juif médiéval de Ratisbonne", in *L'archéologie du judaïsme en France et Europe*, ed. by Paul Salmona and Laurence Sigal (Paris: La Découverte, 2011), 141-151.

⁴¹ Birgit Wiedl, "Jews and the City: Parameters of Jewish Urban Life in Late Medieval Austria", in *Urban Space in the Middle Ages and the Early Modern Age*, ed. by Albrecht Classen (Berlin: Walter de Gruyter, 2009), 285.

motivations behind the choices of settlement of medieval Jewish neighborhoods in northern France. Generally speaking, it seems that the first urban Jewish settlements of the early and central Middle Ages took place in geographically and economically central areas. Indeed, Jews generally sought to establish their religious center in attractive urban places. This is for example particularly clear in the case of Paris: the first Jewish settlement developed on the *Île de la Cité* until the expulsion of the Jews from the city by Philip Augustus in 1182. Upon their return in 1198, Parisian Jews could not reclaim their former neighborhood, because the synagogue had been converted into the church *Sainte-Madelaine* and their houses given to members of furriers' and drapers' guilds⁴². Instead of re-establishing a new quarter on the island, a new pole was developed on the right bank that was in full development back then, around the *rue de la Tacherie*. This street was located just west of the *Place de Grève*, one of the two main Parisian economic centers in the Middle Ages, along with *les Halles* that flourished during the thirteenth century⁴³. From 1198 to 1306, an important Jewish community developed in this sector until the expulsion enacted by Philip the Fair in 1306, and several Jews specialized in crafts highly represented on this bank, particularly the activities related to butchery. This is confirmed by a 1258 charter mentioning several Jewish craftsmen, including *Croissant le Courroier* (a belt maker) and *Hanin le Gainier* (a sheath maker)⁴⁴. This craft and economic vitality is reflected by the parishes' wealth in which the *Tacherie* Jewry is located. It overlapped on *Saint-Jean-en-Grève* and *Saint-Merri* parishes, where the average contribution per household was quite high. Parisian parishes wealth has been studied by Caroline

⁴² Michel Roblin, *Les Juifs de Paris. Démographie, économie, culture* (Paris: A. et J. Picard & Cie, 1952), 13.

⁴³ See figure 8, below.

⁴⁴ Michel Roblin, "Les cimetières juifs de Paris au Moyen Âge", *Paris et Île-de-France. Mémoires de la fédération des Sociétés historiques et archéologiques de Paris et d'Île-de-France*, n° IV (1952): 17.

Bourlet and Alain Layec⁴⁵, who analyzed the spatial distribution of fortunes in Paris based on the 1300 *rôle de la the Taille*. This tax document, one of a series drawn up under Philip the Fair, lists all the Parisian artisans and merchants taxable to the *maltôte*⁴⁶. The authors showed that among these two parishes, the first *quête*⁴⁷ of the *Saint-Merri* parish in which the *Tacherie* Jewry's cultic pole was located was part of what they called "a second circle of wealth"⁴⁸, with fairly high average contributions, but not as high as in the neighboring parishes of *Saint-Jacques*, *Saint-Pierre-des-Arcis*, *Saint-Barthélemy* and *Saint-Germain-l'Auxerrois*⁴⁹. These tax documents thus show the wealth of the parish territories on which the Jewish quarter of Paris was established in the thirteenth century, which were places in full economic expansion. Nevertheless, this does not necessarily imply that Jewish inhabitants of these quarter and parishes were prosperous themselves. Indeed, taxable Jewish households were listed at the end of the *rôles de la Taille* established in 1292, 1296 and 1297, and their taxation is found to be quite low⁵⁰. This could be due to a general impoverishment of the Parisian Jewish community at the end of the thirteenth century, which suffered greatly from the anti-Jewish policy of Louis IX⁵¹. In spite of this, the Jews of Paris seem to have chosen their place of settlement according to its attractiveness: while the *Cité* was a safer and more dynamic territory

⁴⁵ Caroline Bourlet and Alain Layec, "Densités de population et socio-topographie : la géolocalisation du rôle de taille de 1300", in *Paris de parcelles en pixels : analyse géomatique de l'espace parisien médiéval et moderne*, ed. by Hélène Noizet, Boris Bove, and Laurent Costa (Saint-Denis, Paris: Presses universitaires de Vincennes, Comité d'histoire de la ville de Paris, 2013), 237.

⁴⁶ An extraordinary tax applied on common consumption goods to face extraordinary expenses.

⁴⁷ A *quête* is a parish subsection. Indeed, very large and populated parishes can be divided into *quêtes*.

⁴⁸ Bourlet and Layec, "Densités de population et socio-topographie".

⁴⁹ See figure 9, below.

⁵⁰ Céline Balasse, *1306. L'expulsion des juifs du royaume de France* (Bruxelles: De Boeck & Larcier, 2008), 83.

⁵¹ Balasse, *1306. L'expulsion des juifs du royaume de France*, 33.

in the early Middle Ages, from the thirteenth century onwards it was the right bank, and particularly the territory between the *Grève* and the *Halles*, that underwent substantial urban and economic growth.

The location of the Jewry, and more specifically of its cultic pole, often leads to a polarization of the Jewish habitat around it, although it is not exclusive. This settlement can be relatively extensive and discontinuous, developing over several parishes, as we have seen for the *Tacherie* quarter in Paris, though it can sometimes tend to be grouped into specific parishes. That happened in Rouen in the twelfth century: the historian Philippe Cailleux and the archaeologist Dominique Pitte⁵² showed that its Jewry, located on both sides of the *Rue aux Juifs* until the beginning of the fourteenth century, was established in three different parishes, *Notre-Dame-la-Ronde*, *Saint-Herbland* and *Saint-Lô*, according to documents following the 1306 expulsion. However, they have shown that the *Saint-Lô* parish was particularly more attractive, especially at the end of the twelfth century, which could be linked to the immigration of Jews expelled from the Capetian royal domain in 1182 seeking refuge in the surrounding provinces. Indeed, Normandy was part of the English kingdom until 1204 and many Jews expelled from the royal domain, more specifically in and around the cities of Paris, Orléans, Bourges, Corbeil, Étampes and Melun, fled to Normandy and especially Rouen. This settlement was so concentrated and significant that it caused revenue problems to the parish, since there were too few parishioners paying the tithes and other contributions due to the church of *Saint-Lô*. Such was the problem that Pope Celestine III had to intervene in the 1190s, summoning the Jews living in the *Saint-Lô* parish to pay compensation to the church and threatening Christians who rented

⁵² Philippe Cailleux and Dominique Pitte, “La communauté juive de Rouen avec 1307 : espaces et édifices”, in *Savants et croyants, Les juifs d'Europe du Nord au Moyen Âge*, cat. expo., Rouen, musée des Antiquités de Rouen (25 mai-16 septembre 2018), ed. by Nicolas Hatot and Judith Olszowy-Schlanger (Heule: Snoeck, 2018), 65.

or sold their property to Jews with anathema⁵³. The reason for this grouping within the *Saint-Lô* parish is not known, but it may reflect a desire to gather among members of the same minority, a classic phenomenon among diasporic populations. Therefore, parishes could have had a structuring role for Jews, who chose in this case to settle close to each other, preferentially within the territorial limits of the same parish.

The parish thus provided a shared living environment between Jews and Christians, whose neighbor relationships were often marked by mutual aid. Indeed, Rosa Alvarez Perez⁵⁴ has shown through Hebrew sources that some rabbis allowed Christians to rekindle the fires of their Jewish neighbors on the Sabbath, especially during the winter months. Even the polemist Gautier de Châtillon in *Tractatus sive Dialogus contra Iudeos* mentions his habit of visiting a Jew living in his neighborhood every Sunday afternoon⁵⁵. These mentions show that good relationships between Christian and Jewish neighbors existed in the Middle Ages. However, this shared environment could also crystallize tensions between Jews and Christians. The example of Rouen clearly shows this: if the Jews were not expelled from their neighborhood and from the *Saint-Lô* parish, the religious authorities intended to limit their presence in this sector by using both economic and spiritual tools. Indeed, Jews' presence could sometimes prove to be a nuisance in the eyes of certain parishioners, especially from the fourteenth century onwards. Jews then bore the brunt of an increasingly unstable political situation: constantly expelled and recalled, they could no longer choose the location of their neighborhood, which changed the relationships between Jews and parishioners.

⁵³ Philippe Cailleux, *Trois paroisses de Rouen, XIIIe-XVe siècle. Saint-Lô, Notre-Dame-la-Ronde et Saint-Herbland. Étude de topographie et d'urbanisme* (Caen: Presses Universitaires de Caen, 2011), 55.

⁵⁴ Rosa Alvarez Perez, "Next-Door Neighbors: Aspects of Judeo-Christian Cohabitation in Medieval France", in *Urban Space in the Middle Ages and the Early Modern Age*, ed. by Albrecht Classen (Berlin: Walter de Gruyter, 2009), 323.

⁵⁵ Gilbert Dahan, *Les juifs en France médiévale. Dix études* (Paris: Éditions du Cerf, 2017), 31.

3. Jewish communities rejected at the margins: declining dialogue and exchanges between Jews and parishioners (fourteenth-fifteenth centuries)

This shift follows the 1306 expulsion ordered by Philip the Fair: after that, the fourteenth century saw a succession of recalls and expulsions and the period during which Jews could stay in the French kingdom was generally determined in advance. As early as 1315, Louis X (1314-1316) allowed Jews to return to the kingdom for a period of twelve years in exchange for money, then in 1360 John II (1350-1364) granted Jews living in the bordering regions of the kingdom the right to return for a period of twenty years. This right was extended twice in 1364 and 1374, before the final expulsion of Jews in the French kingdom by Charles VI (1380-1422) in 1394⁵⁶. This century thus corresponded to a period of great political instability which, for Jews, resulted in a discontinuity of occupation in the kingdom of the last Capetians. It seems that kings recalled Jews and ensured their protection according to their financial needs, which were particularly important during the Hundred Years' War and especially during John II captivity in England. Indeed, Jews were still at the heart of important financial issues, for in addition to practicing usury for some of them, they had to pay additional taxes and their return to the kingdom was conditioned by the production of a considerable sum of money. For example, when Charles V renewed the right of residence for Jews in 1374, they had to give three thousand gold francs in exchange⁵⁷. In addition to that, Jewish communities suffered greatly from several pogroms, such as those led after the accusation of poisoning during the Black Death that ravaged the continent in the 1340s, particularly in Germany where communities were still largely unaffected by expulsions. This situation went hand in hand with the gradual disappearance of Jewish neighborhoods and their

⁵⁶ Juliette Sibon, *Chasser les juifs pour régner* (Paris: Perrin, 2016), 159-169.

⁵⁷ Sibon, *Chasser les juifs pour régner*, 167.

religious centers in cities that had historically been home to large Jewish communities.

We have observed three main patterns of disappearance of living quarters progressively abandoned by the Jews: firstly, they could be relocated in less attractive urban areas under the impulse of the king or the emperor. An example from the other side of the Rhine illustrates this situation: in Frankfurt, on August 19th, 1442, Emperor Frederick III ordered the destruction of the synagogue located next to the collegiate church of Saint Bartholomew, which had served as the emperor's place of election since the fourteenth century, so as not to disrupt the service. Indeed, the Jewish quarter of Frankfurt and its synagogue were close to the collegiate church and the emperor was annoyed by this proximity, which he found offensive and embarrassing for the good progress of Christian worship. After other complaints, he renewed his order in 1458 and assigned the new Jewry in a remote area, located outside city walls. The municipal council complied in 1460, so that by 1462 Jews could no longer live in their old neighborhood around the collegiate church⁵⁸. This relocation illustrates the tensions that could exist between Jews and Christians living in the same parish, and it also demonstrates the deteriorating status of Jews during the fourteenth and the fifteenth centuries. In many cities, this led to Jewries' transfers in suburban areas and Jews could no longer choose the location of their religious center as tensions arose with some parishioners. Luisa Trindade⁵⁹ showed the same pattern in Portugal: after the royal decree of 1361 requiring the creation of separate Jewish neighborhoods for groups of more than ten Jews, some Jewries such as in Lisbon were relocated in less central areas. Although the financial incentive for this decision is clear, as it allows local authorities to carry out lucrative real estate

⁵⁸ Markus J. Wenninger, "Grenzen in der Stadt? Zu Lage und Abgrenzung mittelalterlicher deutscher Judenviertel", *Aschkenaz*, n° 14 (2004): 26-27.

⁵⁹ Luisa Trindade, "Jewish Communities in Portuguese Late Medieval Cities: Space and Identity", in *Religion, ritual and mythology: aspects of identity formation in Europe*, ed. by Joaquim Carvalho (Pisa: Edizioni Plus, 2006), 65-66.

operations in the urban centers, the author shows that this was primarily a popular movement. Indeed, the crisis context at the end of the Middle Ages led to tensions between Jews and parishioners to the point that the first were sometimes forced to settle in less favorable areas.

Secondly, Jewries could have been relocated out of necessity for the protection and control of a Jewish community, certainly numerically smaller than in previous centuries, but which remains at the core of political and financial stakes. This new type of neighborhood may remind us of ghettos, but it is nothing of the sort. For example in Paris, although the existence of a Jewish community in the first half of the fourteenth century is not certain, a new Jewry was constituted from 1365 onwards⁶⁰ probably when John II allowed the return of Jews in his kingdom. Indeed, Parisian Jews had to live in an enclosed street exclusively dedicated to them, which corresponds to the current *rue Ferdinand Duval*. Originally, this street was a portion of the *rue des Rosiers* which was also called the *rue aux Juifs* in the fourteenth century. It was closed by two gates and the Jews were forced to live in this sector. However, there was still a great mix of housing, since Jews lived outside the enclosed area while Christians, such as a certain Giles Boulay, resided there⁶¹. Thus, contacts between Jews and Christians were not broken, even though the former suffered from several pogroms and massacres in Western Europe. These measures should thus be considered with caution: confining the Jews of Paris to a single street was a way to better control them, but also to better protect them. Indeed, this new district was located near the *Hôtel Saint-Pol*, which had become a royal residence under Charles V (1364-1380) and Charles VI, two kings who had granted their protection to the Jews of Paris. It is therefore likely that the latter had no choice but to settle in this area because the kings

⁶⁰ Roger Kohn, *Les Juifs de la France du Nord dans la seconde moitié du XIV^e siècle*, E. Peeters (Louvain-Paris, 1988), 33, 161.

⁶¹ Kohn, *Les Juifs de la France du Nord dans la seconde moitié du XIV^e siècle*, 161.

wished to protect individuals who were the object of important financial stakes. Moreover, unlike the Jews of Frankfurt, Parisian Jews still lived in a dynamic urban territory, because their quarter was located on the fourth *quête* of the *Saint-Gervais* parish, which was as rich as the *Saint-Jean* and *Saint-Merri* parishes mentioned above⁶². Besides, the Jewish quarter is located in the former *Villeneuve du Temple*, an area that was particularly developed by the Templars during the thirteenth century, located northwest of the former *Tâcherie* Jewish quarter.⁶³ Thus, the last Parisian Jewry testifies to the deteriorating Jewish condition in Western Europe, but it also shows that neighborly relationships between Jews and Christians still existed.

Lastly, the large Jewish settlements of the eleventh, twelfth and thirteenth centuries could decline and not be renewed, even in other urban areas. This last pattern of Jewries' reconfiguration or disappearance at the end of the Middle Ages seems to prevail in *Tsarfat*. Jewries' dismantling does not necessarily imply the end of the Jewish presence in these cities, but it does indicate its weakening, since Jews no longer constituted a real community organized around a religious center. This is the case, for example, in Orléans and Rouen: whereas Jewish communities had been established in central areas since the eleventh century at least, often in several parishes and near places of power, especially the cathedral, these communities weakened in the fourteenth century and these quarters disappeared. Nevertheless, we know from textual data that Jews continued to live in those cities after the 1306 expulsion, but probably in lesser numbers⁶⁴. For instance, in the 14-century Rouen, the *Saint-Lô*, *Notre-Dame-la-Ronde* and

⁶² See figure 10, below.

⁶³ Hélène Noizet, "L'enceinte du Xe siècle et les rythmes de la croissance urbaine à Paris", in *Paris de parcelles en pixels : analyse géomatique de l'espace parisien médiéval et moderne*, ed. by Hélène Noizet, Boris Bove, and Laurent Costa (Saint-Denis, Paris: Presses universitaires de Vincennes, Comité d'histoire de la ville de Paris, 2013), 99-102.

⁶⁴ Thierry Massat, "Une école talmudique rue de Bourgogne à Orléans ?", in *L'Archéologie du judaïsme en France et en Europe*, ed. by Paul Salmona and Laurence Sigal (Paris: La Découverte, 2011), 213.

Saint-Herbland parishes, which were home to most of the city's Jews until the beginning of the fourteenth century, were no longer inhabited by them⁶⁵, but Jews lived elsewhere, such as Vivan de Thury who resided in the *Saint-Maclou* parish⁶⁶. Therefore, these individuals may have formed a small community that was not gathered around a religious pole. Besides, there are no textual or archaeological records of a synagogue and any other cultic facilities used by Jews in the fourteenth century. They may have recreated informal synagogues in houses, as it was often the case in the Middle Ages⁶⁷, but there are no traces of these informal places of worship.

While relationships with the royal power changed and the situation of the Jews of *Tsarfat* have been deteriorating, those that existed between Jews and parishioners seemed to dry up from the fourteenth century onwards. As the number of Jewish households in the cities decreased, the exchanges between the inhabitants of the same parish, whether Jewish or Christian, gradually stopped. However, what remained of these interactions was not necessarily marked by violence and rejection. In fact, Jews always lived near Christians, even when the former were kept apart to be protected from possible attacks by the latter. Cordial relationships probably still existed, they were simply scarcer and more controlled.

⁶⁵ Cailleux and Pitte, "La communauté juive de Rouen avec 1307 : espaces et édifices", 56.

⁶⁶ Gérard Nahon, "Les juifs en Normandie médiévale", in *Savants et croyants, Les juifs d'Europe du Nord au Moyen Âge, cat. expo., Rouen, musée des Antiquités de Rouen (25 mai-16 septembre 2018)*, ed. by Nicolas Hatot and Judith Olszowy-Schlanger (Heule: Snoeck, 2018), 55.

⁶⁷ Claude de Mecquenem, "Les synagogues médiévales européennes : une enveloppe architecturale dédiée à la lecture du sacré", in *Savants et croyants, Les juifs d'Europe du Nord au Moyen Âge, cat. expo., Rouen, musée des Antiquités de Rouen (25 mai-16 septembre 2018)*, ed. by Nicolas Hatot and Judith Olszowy-Schlanger (Heule: Snoeck, 2018), 213.

Conclusion

By the end of this study, it is therefore possible to bring a positive answer to some of the questions raised above. We have indeed observed that Jewish community spaces have been able to form in parish territories and that interactions between Jews and parish communities were frequent and diverse. Jews were thus integrated into parts of parishioners' life, their neighbors, who considered their presence, whether it was welcomed or considered as harmful. However, parishes do not seem to have formed a territorial framework for Jews. Indeed, the grouping of housing and community facilities observed in one or more adjacent parishes did apparently not follow the latter's precise boundaries. Parishes therefore had not played a structuring role in the territorial organization of Jewish neighborhoods, but Jews were still integrated into their fiscal administration, sometimes to the point of being almost assimilated to parishioners, as shown by the example of Rouen. Parishes thus created a shared space between Jews and Christian, but this coexistence was made difficult by the deterioration of the Jews' status and of their living conditions in the fourteenth century. Jewish habitat was then either controlled by local authorities or dispersed throughout the city, making it impossible to detect a logic of settlement that could be integrated into the urban parish network, which was then complete.



Figure 1. The French corpus



Figure 2. The complete corpus



Figure 3. The city of Provins today. (© IGN)



Figure 4. Provins' Upper Town and the Hôtel Desmarests (black circle).
(© Archives départementales de Seine-et-Marne, 4P36/1363, 1811)



Figure 5. The Hôtel Desmarests today. (© Manon Banoun)

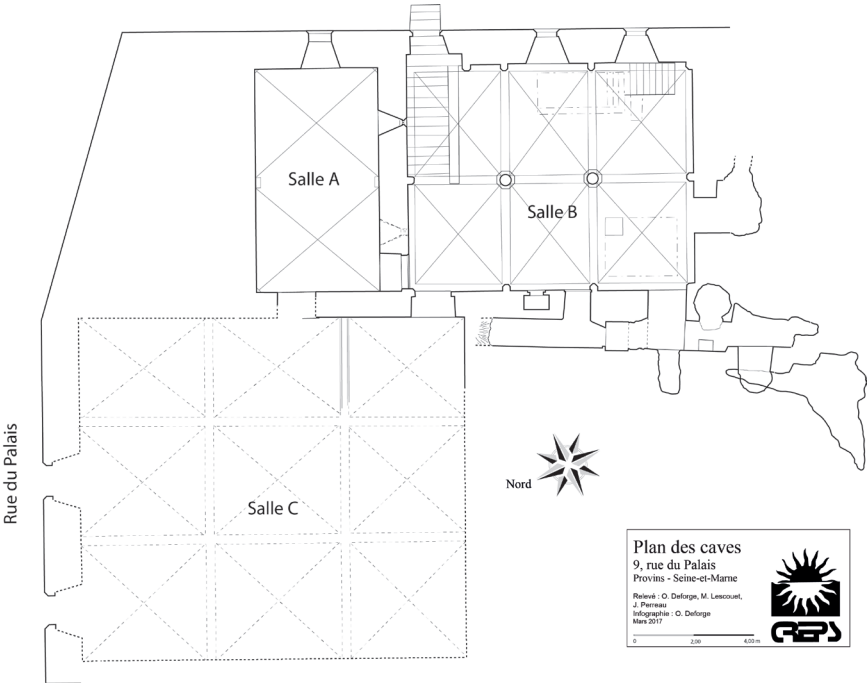


Figure 6. The lower rooms under the Hôtel Desmarests: the *mikveh* is located in the southern corner of room B.

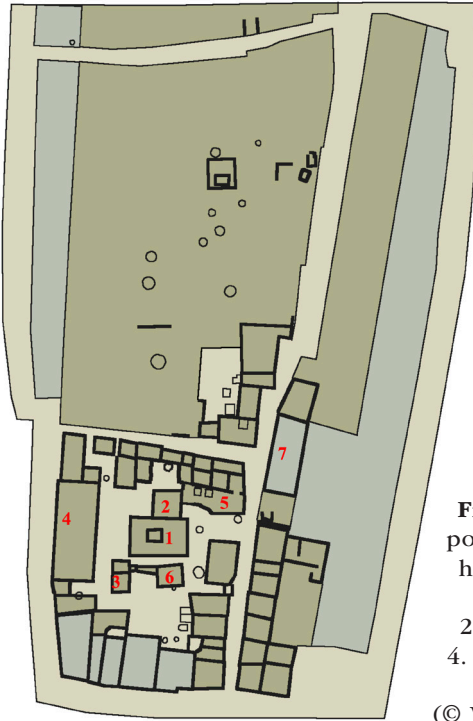


Figure 7. Cologne's Jewish cultic pole in the Middle Ages (the green houses are Jewish, the blue ones Christian): 1. Synagogue 2. Women's synagogue 3. *Mikveh* 4. Community House 5. Hospital 6. Bath House 7. Town Hall.
 (© VII/3 Stadt Köln, Michael Wiehen)



Figure 8. The *Cité* and the *Tâcherie* Jewries.

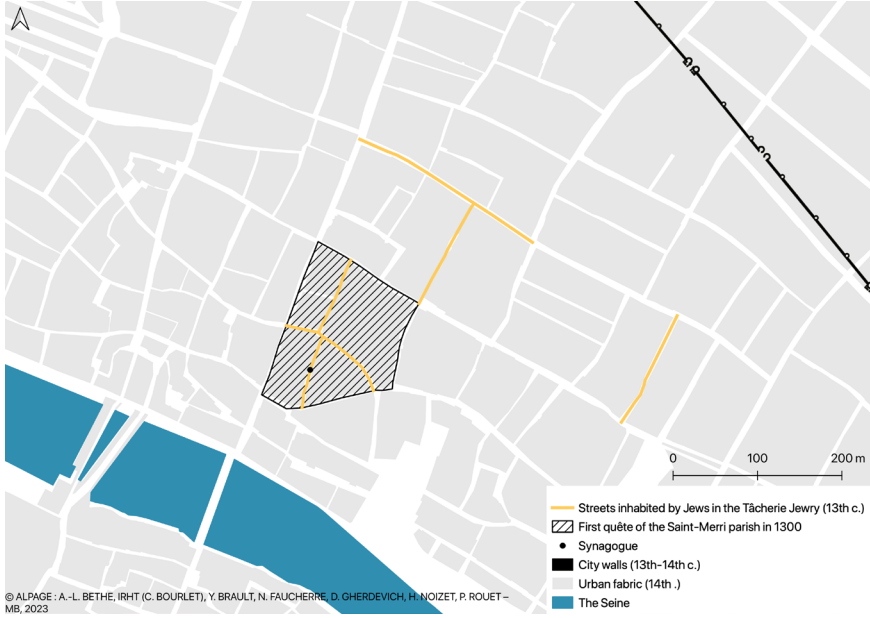


Figure 9. The *Tâcherie* Jewry and the first *quête* of the *Saint-Merri* parish.

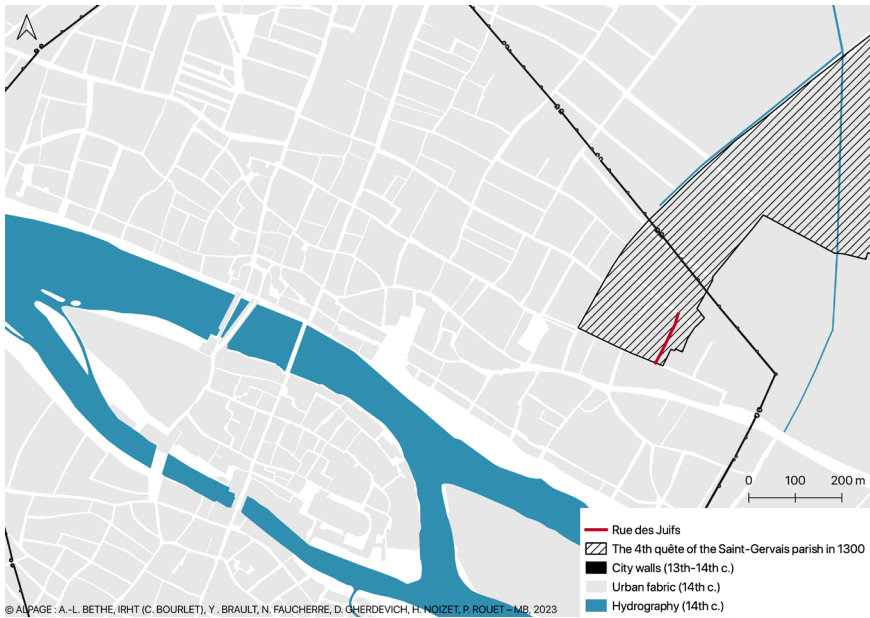


Figure 10. The *rue aux Juifs* and the fourth *quête* of the *Saint-Gervais* parish.

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**FROM NEIGHBOURS TO ENEMIES AND BACK.
JEWISH-CHRISTIAN RELATIONS
IN NORTHERN EUROPE**

Cordelia Heß

University of Greifswald

ORCID: 0000-0001-5235-7747

Abstract: Jews and Christians coexisted in numerous towns and parishes throughout medieval Europe. However, during the High and Late Middle Ages, relations between neighbors often turned hostile, resulting in partial or complete annihilation or expulsion of Jewish communities. This chapter will delve into the mechanisms underlying these sudden shifts from neighborly coexistence to enmity, as well as the subsequent step frequently observed: the return of Jewish communities to the places they were forced to abandon a few years or decades earlier. Especially in the Northern parts of the Holy Roman Empire, the documentation of these processes is scarce, and the history of the communities is difficult to reconstruct. The cities of Fulda and Wittenberg will be analyzed as case studies to achieve this objective.

Resumo: Judeus e cristãos coexistiram em numerosas cidades e paróquias da Europa medieval. No entanto, durante a Alta e a Baixa Idade Média, as relações entre vizinhos tornaram-se frequentemente hostis, resultando na aniquilação parcial ou total ou na expulsão de comunidades judaicas. Este capítulo irá aprofundar os mecanismos

subjacentes a estas mudanças súbitas da coexistência de vizinhança para a inimizade, bem como o passo subsequente frequentemente observado: o regresso das comunidades judaicas aos locais que foram forçadas a abandonar alguns anos ou décadas antes. Especialmente nas regiões setentrionais do Sacro Império Romano-Germânico, a documentação destes processos é escassa e a história das comunidades é difícil de reconstruir. As cidades de Fulda e Wittenberg serão analisadas como estudos de caso para atingir este objetivo.

Parishes and parish churches were not only relevant to Christians in medieval communities, but also affected the lives of non-Christians. In many parts of medieval Europe, Jewish communities become visible only through the hostility of Christians – parishes produced not only the strategies of exclusion, but also the sources from which we can reconstruct the history of some of the communities which were too small to be recorded, or to produce written sources themselves. The documents of recurring expulsions, created by parish priests or manifested in the parish churches themselves, can help to reconstruct, even if only tentatively, the history of some of the minor Jewish communities in Northern Europe.

Jewish communities in Northern Europe

Jews lived in many areas and communities in Medieval Europe – there are, however, some distinct differences between Southern and Northern Europe. The settlement patterns in the South, Italy and Iberian Peninsula, had lengthy and deep roots, and relations between the Christian and Jewish communities had developed since Late Antiquity¹. Moreover, in the South, Jews were rarely the only religious

¹ For a recent discussion of the differences between Northern European and Iberian accusations of ritual murder, see Francois Soyer, “Jews and the Child Murder Libel in the Medieval Iberian Peninsula: European Trends and Iberian Peculiarities”. *Journal of Medieval Iberian Studies* 13, no. 3 (2021): 309-330. <https://doi.org/10.1080/17546559.2021.1969673>.

'Other' with whom Christians dealt, as Islamic travellers and settlers were commonplace. In the North of the Holy Roman Empire – and even further north – things were different. Firstly, there was no continuity of Jewish settlement from Late Antiquity, with the Jewish communities disappearing with the dissolution of the Roman Empire and taking several hundred years to re-emerge. 1700 years of Jewish life in Germany were celebrated in 2021, but the first few hundred of these were both sparsely populated and documented. There is an ongoing scholarly debate regarding whether there had been a continuity of Jewish settlement in Cologne since Roman times, and written documentation of Jews in Cologne in the year 321 exists, but this serves as the only known example: after this, the sources are silent for 700 years². The first larger communities in the Rhine valley, the towns of ShUM (the initials of the Hebrew names for these places, *Shpira*, *Vermayza*, and *Magentza* forming the initials ShUM), were destroyed during the First Crusade – north of this area, Jewish settlement patterns become visible much later. In many places and towns, the existence of small, and even large, Jewish communities is not impossible, but it is not documented.

Whilst some aspects of Jewish-Christian relations were common to all of these settlements – large and stable or small and undocumented – some other aspects were different. All Jews were legally *servi camerae*, servants of the Emperor, but in many towns and areas, the *jus regalia* (rights belonging to the king) to tax the Jews had been transferred to a local landlord or the town itself³. If this landlord was a bishop or a monastery, an ecclesiastical institution was thus

² Matthias Schmandt, "Cologne, Jewish Centre on the Lower Rhine". In *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries): Proceedings of the International Symposium Held at Speyer, 20-25 October 2002*, ed. Christoph Cluse. Cultural encounters in late antiquity and the Middle Ages 4 (Turnhout: Brepols, 2004), 367-378, *ibid.* 368.

³ David Abulafia, "The King and the Jews – The Jews in the Ruler's Service", in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries): Proceedings of the International Symposium Held at Speyer, 20-25 October 2002*, ed. Christoph Cluse, Cultural encounters in late antiquity and the Middle Ages 4 (Turnhout: Brepols, 2004), 43-54.

responsible for the protection of the local Jews. In all regions, Jews and Christians belonged to different legal spheres and their secular laws had to find ways to regulate business and private relations between the two communities. The physical settlements in the towns varied – there were many towns with Jewish quarters, though usually not walled, but there were also towns where Jewish houses were spread amongst those of Christians⁴.

Independent from the development of actual Jewish communities, Christian culture developed an image across Europe, referred to by historians as ‘the hermeneutical Jew’⁵: a Jew from theological discourse, a figure of imagination, hatred, and fear which was very prominent in sermons and didactical literature, but which had little to do with real living people of Jewish faith. These imaginary Jews were used to exemplify mistrust in Christian dogmas such as transubstantiation, the Trinity, or Christ’s sacrifice for their sins, especially in Christian societies where the pre-Christian religions still played a role – and as such were practiced in private, such as in Scandinavia – and in those societies where Christian heretics were the most frequent religious Other to dogmatic Catholics. This image of Jews was mainly used for the building of Christian identity and self-affirmation, but it has often been confused and unintentionally inculcated with research about the development of Jewish-Christian relations – and thereby as part of the history of the Jewish communities. In some few cases, however, documentation of the hermeneutical Jew can actually lead back to information about the Jewish communities themselves.

In the following sections, the examples of two towns in the central northern part of the Holy Roman Empire, in nowadays Hessen and Saxonia, which in the twelfth and thirteenth century were located

⁴ Michael Toch, *Die Juden im mittelalterlichen Reich*. 3rd rev. ed. Enzyklopädie deutscher Geschichte (Berlin/Boston: De Gruyter; De Gruyter Oldenbourg, 2014), 34-35.

⁵ Jeremy Cohen, *Living Letters of the Law: Ideas of the Jew in Medieval Christianity*. The S. Mark Taper Foundation imprint in Jewish studies (Berkeley: University of California Press, 1999), 5.

at the northern and north-eastern fringes of the Jewish settlements in the Holy Roman Empire will be presented. They are typical in several regards: there is no documentation of the Jewish community itself and, likewise, written traces in Christian sources are scarce – with the most prevalent sources speaking of conflict, expulsion, and murder. In the case of Wittenberg, it is difficult to define whether a source is evidence of the hermeneutical Jew or the personification of an actual Jewish community. In both cases, establishment of Jewish life, expulsion, and re-settlement follow on from each other.

In both towns, Jews and Christians were intimately connected in the urban space, in legal relations, by paying and receiving taxes and in everyday life. Also in both towns, there is documentation of serious abuse and expulsions, as well as re-settlement. These two examples of medieval towns seem quite typical for the Jewish settlements North of the Alps and outside the main centres in the Rhine Valley. The Jews were subjects of the local landlords, either secular (in Wittenberg) or ecclesiastical (in Fulda). Expulsions and pogroms decimated their numbers several times so that whilst they lived in families, they could not form a community with a rabbi, a shul, and religious infrastructure. None of these smaller communities produced any written sources of their own, or at least none that have survived. Responsa, written answers of rabbis in larger communities, helped individuals to live according to *kasbrut* and *halacha* in the diaspora⁶. The survivors of the pogroms sometimes show up in tax lists in larger towns in the area, in Erfurt or Nürnberg for example, or in the *memor* books (books for the memory of the dead in Ashkenazi communities)⁷. However, the medieval heritage of these communities

⁶ See the most current project for indexing the surviving responsa in: Eva Haverkamp et al., *Forschungsprojekt Responsa. Responsa and Archival Records of Medieval Ashkenaz in Legal and Cultural Conversation*. Available online at https://www.jgk.geschichte.uni-muenchen.de/jgk_mittelalter/forschungsprojekt-responsa/index.html.

⁷ Rainer Barzen, “Jewish Regional Organization in the Rhineland”, in *The Jews of Europe in the Middle Ages (Tenth to Fifteenth Centuries): Proceedings of the International Symposium Held at Speyer, 20-25 October 2002*, ed. Christoph Cluse, Cultural encounters in late antiquity and the Middle Ages 4 (Turnhout: Brepols, 2004), 233-243, *ibid.* 237.

has been destroyed, and given the number of expulsions, it is not clear at which point this destruction took place.

Scholars of medieval Jewish-Christian relations have often pointed out the continuous presence of violence in these relations⁸. While much general scholarship regarding medieval Jewish-Christian relations relies on evidence within the Iberian Peninsula⁹, some scholars have also claimed a kind of ‘Sonderweg’ (literally ‘special path’ – a German historiographical theory of a unique form of historical development) for the development in Northern Europe. Robert Chazan has, for example, argued that the Holy Roman Empire north of the Alps had been instrumental to the development of all major forms of anti-Jewish violence and, thereby, the ground was laid for typical forms of anti-Jewish stereotyping such as blood libel, ritual murder, and the idea of a deviant Jewish physiognomy in this region¹⁰.

Fulda

The town of Fulda received market rights and privileges in the year 1019. Centred around the Benedictine monastery founded by Saint Boniface in 744, This was during the period of his missionary enterprises and foundation of the episcopal see in Mainz. The monastery had an individual named Sturmius as its first abbot. The development of Fulda since the late tenth century was intimately connected to the leading position the monastery held amongst the Benedictines of Germania, and the town of Fulda developed around the monastery

⁸ David Nirenberg, *Communities of Violence: Persecution of Minorities in the Middle Ages – Updated Edition*. Updated edition with a new preface by the author (Princeton, NJ: Princeton University Press, 2015), 3-5.

⁹ See for example Maya Soifer Irish, *The Jews and Christians in Medieval Castile: Tradition, Coexistence, and Change* (Washington DC: The Catholic University of America Press), 2016.

¹⁰ Robert Chazan, “The Role of Medieval Northern Europe in Generating Virulent Anti-Jewish Imagery”, in *The Medieval Roots of Antisemitism. Continuities and Discontinuities from the Middle Ages to the Present Day*, ed. Jonathan Adams and Cordelia Heß (New York, London: Routledge, 2018), 103-105.

and received privileges for coinage, market and toll in 1019. The imperial abbey thrived and the abbots carried the title of prince-abbot from 1220, making Fulda one of the smaller, but well-settled, ecclesiastical territories with strong ties to the kings. Struggles between the town and the abbot landlords became common; in the late Middle Ages, the catastrophic economic situation of the prince-archbishopric and the attempts to relieve this by taxing the citizens led to a civilian uprising in 1330, in which the populace ended up defeated¹¹.

The quality of source material for the abbey and ecclesiastical territory of Fulda is excellent for the early Middle Ages, mirroring the significance of the abbey at that time. However, this becomes much poorer for the high and late Middle Ages, following the decline of its economic and political standing. It is worth noting that, in particular, documentation regarding the town in the form of town books (*Stadtbücher*) and other urban administrative documents are missing¹². Consequently, the documentation about Christian-Jewish every day affairs such as purchases, court trials and family contacts are also rare and often come from the neighbouring city of Frankfurt or the archbishopric of Würzburg.

It is unknown when the first Jewish individuals and families settled in Fulda. Some scholars assume that they were already present in the settlement surrounding the monastery before the foundation of the town¹³. Written documentation and traces of a Jewish cemetery are found from the thirteenth century onward. A synagogue was located in the immediate vicinity of the parish church, which was dedicated to Saint Blasius and erected probably in the middle of the

¹¹ Thomas Heiler, "Fulda, Fürstabtei: Politische Geschichte (Spätmittelalter)", [https://www.historisches-lexikon-bayerns.de/Lexikon/Fulda,_Fürstabtei:_Politische_Geschichte_\(Spätmittelalter\)](https://www.historisches-lexikon-bayerns.de/Lexikon/Fulda,_Fürstabtei:_Politische_Geschichte_(Spätmittelalter)).

¹² Hermann Kratz, "Die Beziehungen zwischen Stadt und Reichsabtei Fulda im Mittelalter", in *Fulda in seiner Geschichte: Landschaft, Reichsabtei, Stadt*, ed. Walter Heinemeyer and Bertold Jäger. Veröffentlichungen der Historischen Kommission für Hessen 57 (Marburg, Fulda: Elwert; Parzeller, 1995), 349-372.

¹³ Klaus-Dieter Alicke, "Fulda," in *Lexikon der jüdischen Gemeinden im deutschen Sprachraum. 1: Aach – Groß-Bieberau* (Gütersloh: Gütersloher Verlagshaus, 2008), 1345.

tenth century, re-built in Roman style in the early twelfth century and today is a late Baroque building from the eighteenth century, but occupying the same location. The probable location of the medieval synagogue was in the same place as that of the nineteenth century, in a street named 'Judengasse' since the fifteenth century (today 'Am Stockhaus'), where it remained until the Holocaust. Medieval documentation of the synagogue is extant for the years 1423 and 1508/09. The old cemetery was located outside the town walls, documented in 1476 and in 1516-1520, whilst a new one was established in the seventeenth century and remained in use until the Holocaust. This suggests that the Jewish community of Fulda had a sufficient number of members to form a *minyan* and relevant religious infrastructure to function as an independent religious community, at the latest in the fifteenth century, perhaps earlier. Other documentation than that mentioned here mainly deals with expulsions.

The first and most prominent event when the Jewish community of Fulda was documented was its first annihilation in the years 1235/36, following a blood libel. Accusations of ritual murder had been known in England since the case of William of Norwich in 1144, which was moulded into a cult of martyrdom by Thomas of Monmouth and several similar cases followed, creating the so-called blood libel saints¹⁴. The phenomenon became common on the European continent as well during the early thirteenth century. The occasion of 1235, when the Jewish community of Fulda was accused of having killed five boys in order to collect their blood has long been seen as the first time accusations of this kind were documented in the Holy Roman Empire¹⁵. This is both true and contested – it was the first time the narrative of Jewish killers acting upon a Christian child was employed in the Holy Roman Empire, but the Nürnberg *memor* book

¹⁴ Joe Hillaby, "The Ritual-Child-Murder Accusation: Its Dissemination and Harold of Gloucester", *Jewish Historical Studies* 34 (1994): 69-109.

¹⁵ Gavin Langmuir, *Toward a definition of antisemitism* (Berkeley: University of California Press, 1996), 281.

lists another blood libel around Christmas and New Year's Eve 1235, in Bischofsheim ob der Tauber, with Christian sources giving 1235 or 1236 as date for this pogrom¹⁶. But there had been earlier cases: Previously, in 1147, an anonymous adult male body had been found in a river close to Würzburg, with the Jews of the city being accused as its source, resulting in 20 of them being killed by a mob. As the early cases of blood libel do not necessarily follow the narrative structure which became common in the thirteenth century, with alleged child victims of ritual murder for the purpose of collecting blood, the Würzburg case can be seen as part of the development of the phenomenon that Christian communities more or less spontaneously blamed Jews for unsolved murder cases. It was told in the context of expulsions during the Second Crusade by Ephraim of Bonn, in a long list of other assaults¹⁷.

After the Fulda blood libel, the accusations developed quickly into a full repertoire of imagined practices, motives and plots for ritual murder, which, in many cases, justified spontaneous pogroms as well as trials in secular courts. Theologians such as Thomas of Cantimpré combined exempla of Jewish conversion and punishment with allegations of ritual murder, thus adding to a general depiction of Jews as blood-thirsty and enemies of Christianity – as well as providing a Christian theological foundation of blood libel in its various forms¹⁸. The case of Fulda has stirred scholarly attention precisely because it pre-dates theological arguments in this area, and thus the flow of information about the alleged Jewish misdeeds is difficult to assess¹⁹.

¹⁶ Sigmund Salfeld, ed, *Das Martyrologium des Nürnberger Memorbuches* (Berlin: L. Simion, 1898), 124-125 (about the victims in Laua and Bischofsheim ob der Tauber).

¹⁷ Robert Leon Chazan, *The Jews of Medieval Western Christendom, 1000-1500* (Cambridge: Cambridge University Press, 2012), 184-185.

¹⁸ See the discussion of his contribution to the blood libel allegation in Irven M. Resnick, "Cruentation, Medieval Anti-Jewish Polemic, and Ritual Murder", *Antisemitism Studies* 3, no. 1 (2019), 95-131.

¹⁹ Cordelia Heß, "Fakten schaffen. Ritualmord und making sense durch antijüdische Ausschreitungen," *Das Mittelalter* (forthcoming).

Written documentation stems from several Latin chronicles, as well as the Nürnberg *memor* book, which lists the victims. Across the wildly differing information contained in the chronicles, the basic plot seems to have been that five dead children were found in a (probably burned down) mill outside the town by the miller and his wife upon their return from Christmas mass. Immediately, the Jews were accused – allegedly because two were seen in the mill during the miller’s absence. They were said to have killed the children and collected their blood in linen sacks, intending to take the sacks back to their houses. When the misdeed was discovered, 36 Jews were killed – either by *cruce signati* (Crusaders) or the townsfolk. In the apparent aftermath of this case, corpses of alleged victims of a possible second blood libel were brought to Emperor Fredrick II at his court in Hagenau, where he was asked to expel all Jews. Instead, he collected expert opinions on whether the Jews would need Christian blood for ritual purposes, and when both Christian and Jewish experts said they did not, he issued a bull of protection for the Jews of Germania and Alemannia²⁰.

The events of 1235/36 in Fulda represent a classic – even stereotypical – case of neighbours becoming enemies, but also mark the first time that the Jewish community in Fulda becomes visible. The Nürnberg *memor* book lists 27 adults and 10 children killed during the pogrom, both male and female²¹. Protection for the Jews and condemnation of pogroms came, not from the landlord, abbot Konrad III of Malchos, the first prince-abbot (1221-1249)²² of the monastery of Fulda, but from emperor Frederick II, who (as mentioned above) issued a wide-

²⁰ Andrea Sommerlechner, “Das Judenmassaker von Fulda 1235 in der Geschichtsschreibung um Kaiser Friedrich II”. *Römische Historische Mitteilungen* 44 (2002): 121-150.

²¹ *Das Martyrologium Des Nürnberger Memorbuches*, 122-123.

²² Konrad Lübeck, *Die Fuldaer Äbte und Fürstbische des Mittelalters* (Fulda: Parzeller, 1952), <https://fuldig.hs-fulda.de/viewer/fulltext/PPN229219721/280/>.

-ranging bull of protection in reaction to the goings-on in Fulda – including a posthumous absolution of the Jews of Fulda from guilt²³.

The re-settlement of Jews in Fulda after the pogrom happened quietly and, apparently, quickly. In 1301, king Albrecht I gave the privilege to tax *'universos Iudeos ad presens in suis civitatibus et municionibus residentes, et eos etiam, qui imposterum se recipiant ad easdem'* ('all Jews residing in his towns and settlement, also those who falsely have retracted to these') to abbot Heinrich V of Weilnau (1288-1313), as a compensation for a debt of 500 marks²⁴. and this privilege was made a permanent donation in 1310 by king Heinrich VII²⁵. Abbot Heinrich apparently had normal relations with his Jewish subjects: he paid debts which his subordinates or their acquaintances had in Jewish lending houses²⁶, and furthermore he relieved the Jewish inhabitants from some payments required in order to be freed from wearing signs of their religion on their clothing, according to the regulations of the IV Lateran Council²⁷. In the following years, however, the abbey of Fulda was involved in a complicated series of trials against a Jewish money lender (Salman) from Mainz and his business partners, resulting in his recurring conviction for usury and many debts, in both canonical and secular courts. The main objective of the abbey was to be freed from financial obligations resulting

²³ MGH Const. 2.275, no.204. *'Iudeos loci predicti ab obiecto crimine ac alios Iudeos Alemannie a tam gravi infamia dictante sententia principium pronunciamus penitus absolutos'*.

²⁴ *Corpus der Quellen zur Geschichte der Juden im spätmittelalterlichen Reich*, ed. Alfred Haverkamp and Jörg R. Müller (Trier, Mainz 2015), WB01, Nr. 156, URL: <http://www.medieval-ashkenaz.org/WB01/CP1-c1-00qz.html>. Also printed in *Codex diplomaticus Fuldensis*, ed. Ernst Friedrich Drohnke (Kassel: Fischer, 1850), vol. 1, no. 850, 426.

²⁵ *Corpus der Quellen zur Geschichte der Juden im spätmittelalterlichen Reich*, WB01, Nr. 187, URL: <http://www.medieval-ashkenaz.org/WB01/CP1-c1-00tx.html>. Also printed in *Codex diplomaticus Fuldensis*, vol. 1, no. 855, 428.

²⁶ *Corpus der Quellen zur Geschichte der Juden im spätmittelalterlichen Reich*, WB01, Nr. 194, URL: <http://www.medieval-ashkenaz.org/WB01/WB-c1-001p.html>; WB01, Nr. 196, URL: <http://www.medieval-ashkenaz.org/WB01/WB-c1-002u.html>.

²⁷ *Ibid.*, TW01, Nr. 151, URL: <http://www.medieval-ashkenaz.org/TW01/TW-c1-002m.html>.

from the fact that they had acted as bailsmen for Salman, and thus sever their connection to him²⁸.

Between the Jewish re-settlement in 1249, after the first blood libel, and the next major pogrom lay 100 years of apparently undisturbed inter-faith relations in the town – a conclusion that can be drawn as extant sources do not mention conflict. The Nürnberg *memor* book then lists Fulda amongst the many places where Jewish communities were expelled or murdered during the Black Death pogroms of 1349/50²⁹. In March 1349, Jews in Frankfurt had been forced to admit to the poisoning of wells and sending poison to Fulda and surrounding areas³⁰. The community had asked the prince-abbot for protection, but without success³¹. A chronicle reports, ‘all Jews who by then were in Fulda were killed and burned’³².

It did not take long for at least a small proportion of the survivors to once-more re-settle in the town. The next written trace of Jews in Fulda is a letter of protection penned by abbot Johann I von Merlau addressing three Jewish money-lenders, namedly Abraham den Walch, Kopphelein and Vivelman, permitting them to settle with their families in the cities of Fulda, Vacha, and Hammelburg, or elsewhere in the ecclesiastical territory of Fulda, and to engage in the business of lending money at interest, dated 7 June 1399³³.

As the previously mentioned sources regarding the synagogue and cemetery prove, the community eventually recovered from this further pogrom, growing during the late fourteenth and fifteenth

²⁸ *Ibid.*, FW01, Nr. 92, URL: <http://www.medieval-ashkenaz.org/FW01/CP1-c1-00yr.html>.

²⁹ *Ibid.*, 235.

³⁰ *Ibid.*, FW02, no. 96, URL: <http://www.medieval-ashkenaz.org/FW02/CP1-c1-008e.html>.

³¹ Klaus-Dieter Aliche, “Fulda,” in *Lexikon der jüdischen Gemeinden im deutschen Sprachraum. 1: Aach – Groß-Bieberau* (Gütersloh: Gütersloher Verlagshaus, 2008), 1346.

³² *Ibid.*

³³ Printed in *Fuldaer Geschichtsblätter*, I (1902), 176, here quoted from Warren I. Cohn, “Five Hundred Years “Auf der Treppen”, a History of the Trepp Family of Fulda”, *Year book – Leo Baeck Institute* 30, no. 1 (1985), 480.

centuries. Its religious centre remained located in the city close to the parish church, but was never walled in or closed off from the surrounding houses, even though the name ‘Judengasse’ (lit. ‘Jews’ Lane’) for the street near Gemüsemarkt had been established by the early fifteenth century³⁴. With the abbey and ecclesiastical territory Fulda not being affected by the Reformation and the expulsions of Jews which followed in many areas, the community thrived in the sixteenth and seventeenth century, with Rabbinic education established in the 1570s³⁵, despite occasional attempts by the Fulda city council to deprive them of the town’s protection³⁶. Ghettoization first happened in 1671, when 2000 Jews were expelled ‘for all eternity’, with the remaining five families enclosed in a Jewish quarter with restricted access to the city.

Knowledge of the Jewish community in Fulda comes from scattered sources, deriving from recorded conflicts, and administrative records from nearby Frankfurt, in which many of the economically successful Jews from Fulda were active, owning property etc. The relations with the abbey – and thereby documentation – varied, depending on the financial gain the abbey was garnering from the community, or the financial or political currency it was hoping to leverage from people who were indebted to the Jews. This situation is typical for smaller Ashkenazi communities which left no written records of their own: documents of violence and destruction are at the same time the surviving documents of the existence of the communities.

³⁴ *Ibid.*, 482.

³⁵ Eric Zimmer, R. David B., “Isaac of Fulda: The Trials and Tribulations of a Sixteenth Century German Rabbi”, *Jewish Social Studies* 45, 3/4 (1983), 217-232.

³⁶ Friedrich Battenberg, “Der Fuldaer Tumult von 1591. Zur Politik der kaiserlichen Administration im Stift Fulda im Streit zwischen Judenschaft und Bürgerschaft”, *Aschkenas. Zeitschrift für Geschichte und Kultur der Juden* 16, no. 2 (2008), 405-419.

Wittenberg

The Jewish community of Wittenberg became known because of its most prominent enemy: Martin Luther, serving as a visual representation of his anti-Judaism. While there has been considerable scholarly focus and public debate regarding these topics, the question of the actual Jewish community in Wittenberg – which may or may not have been the target of this derogatory imagery – has remained more obscure, mostly due to the lack of sources. However, it makes for an interesting case of the interconnection of parish churches and Jewish communities, real or hermeneutic. The example of Wittenberg is significant because it is representative of those towns in the northern and eastern peripheries of the areas of medieval Jewish settlement in the Holy Roman Empire where fragmentary information about the Jewish community can only be deduced from two aspects: information from surrounding towns and areas, and documentation of conflicts.

On the outside of the Wittenberg parish church there is a stone relief known as the ‘Judensau’ – most scholars prefer to avoid the inherently offensive language and call it ‘stone sow’ or similar – being a depiction of a pig with two men suckling at its teats and a third lifting its tail and observing what lays therein. The three men wear the pointed hats used in Christian iconography to mark figures as Jewish. The motif is known from at least 30 medieval churches – the majority in German lands, but some examples also from France, Switzerland and Sweden. The figures and their actions vary, but there is always the connection of Jews and this most unkosher of animals, as well as sexual and scatological aspects to their depiction³⁷.

This relief is, to this day, found on the façade of the parish church in Wittenberg – a vivid example of derogatory iconography of Jews

³⁷ Jan Dienstbier, “The Metamorphoses of the Judensau”, in *Visual Antisemitism in Central Europe: Imagery of Hatred*, ed. Jakub Hauser and Eva Janáčková (Berlin, Boston: De Gruyter Oldenbourg, 2021), 1-2.

created by Christians. Whether it was meant as an insult directed toward the Wittenberg Jewish community, or as an admonition for Christians using the imagined Jew in a polemic form is a focus of discussion, with the relative bias varying throughout history. With reference to one of Martin Luther's anti-Jewish texts, the relief was framed with the text 'Rabini Schemhamphoras' in the sixteenth century, making clear that by then, a metaphorical interpretation of the figures and the pig was not intended – instead it was a clear derogation of Jews as worshippers of unclean, sexualized and blasphemous practices. Whilst the stonework remains on view, in 1998, the parish community of Wittenberg added a relief to the floor of the market square, mentioning the Holocaust and anti-Jewish continuities³⁸. Even now, the community, the town, and Jewish and Christian scholars from the entire country debate continuously whether the relief should remain in place³⁹. In 2022, the German Federal Court of Justice decided that there was no legal reason to force the parish to remove it, despite its derogatory character⁴⁰.

The town of Wittenberg had received privileges in 1293. It belonged to the Duchy of Sachsen, which, as a result of several divisions of his estate during the thirteenth century, ended up as a small and fragmented realm, with Wittenberg as the residence of the Ascanian ruler Albrecht II. Rumour has it that an extant Jewish community was expelled in the year 1304 – but despite the numerous mentions of the event and year in previous literature, no evidence in form of written or material sources has been highlighted to corroborate this. Insa Hennen suspects that historiographers of the nineteenth century

³⁸ See a picture of the monument here: <https://debatte.ekir.de/mahnmal-gegen-judensau-an-stadtkirche-in-wittenberg-2/>.

³⁹ *In Stein gemeißelt – zum Umgang mit eingefurchten antisemitischen Bildern*. Epd-Dokumentation 4/20, Tagung der Evangelischen Akademie zu Berlin, Lutherstadt Wittenberg, 2020.

⁴⁰ „Judensau‘ an Wittenberger Stadtkirche muss nicht entfernt werden,“ *Der Spiegel online*, 14.06.2022, <https://www.spiegel.de/panorama/justiz/judensau-an-wittenberger-stadtkirche-muss-nicht-entfernt-werden-urteil-bundesgerichtshof-a-af6bbe79-5637-40dc-bac1-8074f19e2146>.

confused this date with the year 1430, when many local Jewish communities fell victim to the Hussite wars – whilst the documentation of this conflict is almost as weak as that for an expulsion in 1430, there are at least tax registers in which many names of house owners were erased for this year. As additional evidence, a historiographer of the eighteenth century mentions that the Hussites had killed Catholics and spared Jews – the people of Wittenberg had as a consequence expelled the Jews, sending them to the neighbouring territory of Anhalt⁴¹. Hennen's theory of a confusion of the dates seems likely, given the sparse documentation of a community in the town at the beginning of the fourteenth century, and consequently, this first expulsion of 1304, only a decade after the foundation of the town, may as such have never happened.

The parish church of St. Mary in Wittenberg, where the relief is located, predates the foundation of the town. The church was first mentioned in 1187 and around 1280 the main chancel was built and decorated with stone adornments in the same material and style as that with the sow. Art historians assume that it had been located on the Northern façade of the church until a remodelling of the building in 1570, when it was transferred to its current location, the southern exterior of the choir. In its original location, it was surrounded by other reliefs and stone statues picturing mythical figures, dragons and demons as well as non-figurative decorations, such as leaves⁴². The iconographic context of the sow relief was thus the defence against the forces of evil, and the pictorial representation of Jews amongst the representations of paganism, myth, and evil fit a long-standing Christian tradition of demonizing Jews. It is unlikely,

⁴¹ Insa Hennen, "Juden in Wittenberg und lutherische Judenfeindlichkeit. Zur Wirkungsgeschichte des „schweinischen Steingemähldes“, in *Die „Wittenberger Sau“: Entstehung, Bedeutung und Wirkungsgeschichte des mittelalterlichen Reliefs der sogenannten „Judensau“ an der Stadtkirche Wittenberg*, ed. Jörg Biel et al. Kleine Hefte zur Denkmalpflege 15 (Halle/Saale: Landesamt für Denkmalpflege und Archäologie, 2020), 86-87.

⁴² Mario Titze, "Die Sau an der Kirche. Kunsthistorische Fragen an ein viel diskutiertes mittelalterliches Bildwerk", in *Die „Wittenberger Sau“*, 17-56.

however, that – at the time of production and installation – this relief was meant as a direct message or insult to the Jewish community, put simply because there may not have been one in the town around 1290, and furthermore because the broader iconographic context of the stonework suggests further interpretation. There were, however, both Jewish communities and expulsions in the vicinity of Wittenberg, in the territories of Saxonia and Thuringia. Meißen, Merseburg, and Leipzig had Jewish communities since the second half of the thirteenth century. The community in Erfurt had already been expelled in 1220, but re-settled. The victims of a blood libel and expulsions in the nearby town of Weißensee, in Thuringia, and three other local towns were documented in the Nürnberger *memor* book, and a *vita* (hagiography) of the child martyr Conrad, the presumed victim of ritual murder, was produced in 1303⁴³. The blood libel allegation of Weißensee led to the murder of more than 100 Jews. Between 1300 and the Black Death pogroms, the number of Jewish settlements east of the river Saale increased, but written documentation remains rare and fragmentary⁴⁴.

In Wittenberg, a Jewish quarter developed in the immediate vicinity the church of St. Mary, but by the fifteenth century, Jews also owned houses elsewhere in the town. The number of families and individuals is not known, but several entries in the town book testify to the integration of Jews within the urban community as tax payers and participants in the town's defence. A pogrom in the years 1349-50 in Wittenberg itself is not accounted for, while many of the communities in the territories Meißen, Saxonia and Thuringia were wiped out. Expulsions and murder in the 1430s and 1440s have been mentioned

⁴³ "Passio Conradi", in *Corpus der Quellen zur Geschichte der Juden im spätmittelalterlichen Reich*, TW 1, Nr. 77, 24 February 1303-30 April, <http://www.medieval-ashkenaz.org/TW01/TW-c1-004u.html>.

⁴⁴ Maike Lämmerhirt, "Von Leine und Werra bis zum Bober. Quellen zur Geschichte der Juden in Thüringen und Sachsen (1273-1347)", In *Corpus der Quellen zur Geschichte der Juden im spätmittelalterlichen Reich*, <http://www.medieval-ashkenaz.org/TW01/einleitung.html>.

frequently in older historiographic works, but contemporary sources precisely for Wittenberg are lacking.

It is only after the Reformation that sources regarding Jewish communities become more frequent, but once again, they are in the form of documents of expulsion. An expulsion and subsequent prohibition of Jewish settlement across the entire Duchy of Saxonia is testified for the year 1536, as set by Johann Friedrich of Saxonia. In the following decades, the anti-Jewish writings of Martin Luther led to recurrent renewals of this ban, and after 1543, Jewish settlement in Saxonia was allowed for only a very few individuals who received letters of protection. In 1570, the offensive porcine relief was impacted by construction work at St. Mary's parish church, and was relocated to its current southerly position – facing the market square – now with the addition of text reading 'Rabbini Schemhamphoras', referring to one of Luther's hate-speech pamphlets ('Of the Unknowable Name and the Generations of Christ', 1543). Whilst the previous location and context made a reading of the picture as an admonition to Christians to restrain from blasphemy at least possible, as suggested by certain scholars⁴⁵, the Lutheran addition shifted its meaning in the clear direction of anti-Jewish slander.

This stone relief is but one of many examples of anti-Jewish polemics. It serves as a visible example – in the central urban space of a medium-sized town in a centrally located but quiet district – of the constant monologue of Christian polemics directed towards Jewish communities: no matter the status and size of the Jewish community, during peaceful co-existence, expulsions, and re-settlements, the stone relief was sat on the façade of the church, insinuating the near relation between Jews, pigs and devils in Christian eyes. The ultimate deterioration of the conditions for Jewish life in the town was brought on by Martin Luther, his disappointment over the lack of conversions to reformed Christianity and his influence on secular rulers.

⁴⁵ Isaiah Shachar, *The Judensau: A Medieval Anti-Jewish Motif and Its History*. Warburg Institute surveys 5 (London: Warburg Inst. University of London, 1974).

Reformatory propaganda of the time adopted most of the medieval forms of Jew-hate and stereotyping⁴⁶.

Fulda, Wittenberg and Jewish-Christian relations in Northern Europe

The two examples discussed here illustrate common traits of the smaller Jewish communities in Northern Europe. Documentation was scarce, mainly connected to pogroms and expulsions, whilst documents from the communities themselves – and in many cases also from the town administration – are found lacking; these, should they have existed, may have shown less violent parts of everyday life and cohabitation. The continuous visibility of hostility covered both the periods when Jews were living in the towns and those before, between and after Jewish settlement. This means that the documents, and thereby our perception, of Jews in these medieval towns are entirely focused on Jews as accused of blasphemy, murder or other deeds – even if the accusations are void of content to the modern reader, and the source can be likewise contextualized, the fact remains that we cannot reconstruct Jewish-Christian relations in peaceful and quiet periods. It also means that the image of medieval Jews in these areas is mainly one of victims, survivors and refugees.

Robert Chazan has identified three factors as significant for the survival of Jews in the German lands during the Crusading period: readiness of ecclesiastical and secular authorities to act, readiness of the Jews to flee, resulting in the removal of urban families to rural fortifications, and a lack of ‘millenarian exhilaration’ in the communities. Chazan also points out the development of Jewish Pietism

⁴⁶ Generally on the topic of anti-Judaism in Martin Luther’s writings, see Thomas Kaufmann, *Luthers Juden*. 3. durchgesehene Auflage (Stuttgart: Reclam, 2017); Walther Bienert, *Martin Luther und die Juden: Ein Quellenbuch mit zeitgenössischen Illustrationen, mit Einführungen und Erläuterungen*. Reprint (Frankfurt am Main, Berlin, Boston: Evangelisches Verlagswerk; de Gruyter, 2019).

during the twelfth century and the 'fierce disparagement' from Christians as a result of the pogroms⁴⁷. However, knowledge of these developments stem from the much better documented and much more densely settled areas in the Rhineland. There is no possible way of knowing if the Jews in Fulda and Wittenberg also had the chance to prepare for pogroms by securing refuges in rural areas. It can be seen, however, that they were affected by concurrent developments across the Holy Roman Empire during the thirteenth and fourteenth centuries: struggles between ecclesiastical and secular authorities, the decline of both types of local administration, resulting in a lack of protection, and Christian millennialism fuelled by catastrophes and diseases. The Rhineland Jewish communities were, however, able to re-organize after the pogroms of the twelfth century. In Fulda and Wittenberg, a strong desire to re-settle in the places of expulsion can be seen, which suggests that the communities had probably never disappeared entirely.

The question of why these people wanted to come back, not only to the well-developed centres of Jewish life, scholarship, and culture in the West, but also to the smaller communities in the North and East, is more difficult to understand. In the case of Fulda, the general success of the town and the largely positive relations with the prince-abbots may have played a role. In the case of Wittenberg, the sources are too fragmentary to seed speculation. The relations between Christian parishes and Jewish communities in towns such as these in Northern Europe were simultaneously stable and fragile. Stable, because they lasted many centuries and most often only ended with the *Sboah*. Fragile because neighbours became enemies over and over again, and these relations became, and still are, most visible in the form of anti-Jewish propaganda, and visual and textual culture.

⁴⁷ Robert Chazan, *The Jews of Medieval Western Christendom, 1000-1500*. 1. publ. Cambridge medieval textbooks (Cambridge: Cambridge University Press, 2006), 183-184.

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**‘ARTIFICIAL FAMILIES’ WITHIN THE PARISH:
INTERTWINED RELATIONSHIPS BETWEEN
CONFRATERNITIES AND PARISH CHURCHES
IN MEDIEVAL COIMBRA¹**

Ana Rita Rocha

Universidade NOVA de Lisboa, Instituto de Estudos Medievais

ORCID ID: 0000-0003-4709-5927

Abstract: Between the beginning of the twelfth century and the end of the fifteenth century, we estimate in forty the number of confraternities founded in the town of Coimbra. This chapter aims to analyse the developed relationships between the confraternities of Coimbra and the urban parish churches. At first, after a brief general presentation of the documented medieval confraternities of Coimbra, we will identify and describe those established in the parish churches, paying attention to their chronology and main characteristics and functions, as well as the confraternal practices within the parish context. Finally, using a small but significant set of written sources, we will pay particular attention to the interdependent relationships between the studied confraternities and the parish churches where they were based. These relationships are especially clear in the moment when a confraternity was extinctic and its assets were annexed to the church. Therefore, we intend to analyse how this

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incorporation took place and how it was reflected over time, beyond the existence of the confraternities themselves.

Resumo: Entre o início do século XII e o final do século XV, calcula-se em quarenta o número de confrarias fundadas na cidade de Coimbra. Este capítulo tem como objetivo analisar as relações desenvolvidas entre essas confrarias e as igrejas paroquiais urbanas. Numa primeira fase, após uma breve apresentação geral das confrarias medievais documentadas em Coimbra, identificaremos e descreveremos as que se estabeleceram nas igrejas paroquiais, atentando na sua cronologia e nas suas principais características e funções, bem como as práticas confraternais no contexto paroquial. Por último, recorrendo a um pequeno, mas significativo conjunto de fontes escritas, daremos particular atenção às relações de interdependência entre as confrarias estudadas e as igrejas paroquiais onde estavam sediadas. Estas relações são particularmente evidentes quando uma confraria se extinguiu e o seu património era anexado à igreja. Pretendemos, por isso, analisar como se processava esta incorporação e como se refletia ao longo do tempo, para além da existência das próprias confrarias.

Introduction

Between the twelfth and fifteenth centuries, forty separate confraternities were documented in the city of Coimbra, around half of which were based in urban parish churches. These institutions constituted a new network of sociability and solidarity, and rather than substituting the bonds people had with one another in the Middle Ages, they helped strengthen them. Members of these confraternities found new ‘families’, where the bonds resembled ties of kinship²

² Catherine Vincent, *Les confréries médiévales dans le royaume de France: XIII^e-XV^e siècle* (Paris: Éditions Albin Michel, 1994), 49.

and offered both physical and spiritual protection³. As Catherine Vincent maintained, two inextricable aspects co-existed: prayer, congregating the faithful around one or more patron saints, and mutual assistance⁴. These associations played a fundamental role in the religious landscape of medieval society, helping to strengthen both devotional life and social and cultural ties, to integrate the faithful in the parish and ‘to forge a sense of a unified parochial identity’, alongside other agents, as demonstrated by Colm Lennon⁵.

As one of the most important medieval exemplifications of secular piety and devotion, confraternities have consistently captured the attention of historians, who have written monographs and articles on the subject, both in Portugal and further afield, concentrating on specific countries, regions, or cities. Studies worth noting were carried out by Catherine Vincent⁶, Jacques Chiffolleau⁷ and Noël Coulet⁸.

³ Maria Helena da Cruz Coelho, “As confrarias medievais portuguesas: espaços de solidariedades na vida e na morte”, in *Cofradías, gremios y solidariedades en la Europa medieval. XIX Semana de Estudios Medievales. Estella '92* (Pamplona: Gobierno de Navarra, Departamento de Educación y Cultura, 1992), 156-157.

⁴ Catherine Vincent, “La confrérie comme structure d’intégration: l’exemple de la Normandie”, in *Le mouvement confraternel au Moyen Âge. France, Italie, Suisse. Actes de la table ronde de Lausanne (9-11 mai 1985)* (Rome: École Française de Rome, 1987), 113.

⁵ Colm Lennon, “Confraternities in Late Medieval Ireland: The Evolution of Chantry Colleges”, in *A Companion to Medieval and Early Modern Confraternities*, ed. Konrad Eisenbichler (Leiden: Brill, 2019), 207-208. On the importance of the confraternities in the integration of the individual into the community and the different roles played by their individual members, as the devoted follower, the supportive neighbour, and the engaged citizen, see Marina Gazzini, “Urban Society and Lay-Religious Communities: Notes on Confraternities in Italian Communes and Signories”, in *Religious Connectivity in Urban Communities (1400-1550). Reading, Worshipping, and Connecting through the Continuum of Sacred and Secular*, ed. Suzan Folkerts (Turnhout: Brepls, 2021), 30.

⁶ Vincent, “La confrérie comme structure d’intégration”; Catherine Vincent, *Des charités bien ordonnées. Les confréries normandes de la fin du XIII^e siècle au début du XVI^e siècle* (Paris: École Normale Supérieure, 1988); Vincent, *Les confréries médiévales*.

⁷ Jacques Chiffolleau, “Les confréries, la mort et la religion en Comtat Venaissin à la fin du Moyen Âge”, *Mélanges de l’Ecole française de Rome. Moyen-Age, Temps modernes* 91, no. 2 (1979): 785-825.

⁸ Noël Coulet, “Le mouvement confraternel en Provence et dans le Comtat Venaissin au Moyen Âge”, in *Le mouvement confraternel au Moyen Âge. France, Italie, Suisse. Actes de la table ronde de Lausanne (9-11 mai 1985)* (Rome: École Française de Rome, 1987), 83-110.

The works of Gervase Rosser⁹ are also of great significance, allowing the British associations of this kind to be included in the international historiographic debate, and likewise the classical work of John Henderson¹⁰ on confraternities in Florence. In Spain, a considerable number of works about medieval confraternities have been produced, among which the recent work of Esther Tello Hernández on brotherhoods in Aragon¹¹ is highlighted. Finally, in Italy, the innovative works published by Marina Gazzini, both as an author¹² and editor¹³, brought, amongst others, a new vision of the relationship between the Italian confraternities and medieval society, studying their influence of inclusion or exclusion, in association with their functions of solidarity¹⁴, and their integration in urban society, contributing to the ideal and construction of a civic community¹⁵.

Maintaining step with the currents of European historiography, Portuguese medievalists also turned their attention to the confraternal movement – especially from the 1980s and 1990s – and have maintained a relatively stable rhythm of production and revision. In this

⁹ Gervase Rosser, *The Art of Solidarity in the Middle Ages: Guilds in England 1250-1550* (Oxford: Oxford University Press, 2015).

¹⁰ John Henderson, *Piety and charity in late medieval Florence* (Chicago and London: The University of Chicago Press, 1997).

¹¹ Esther Tello Hernández, *Aportación al estudio de las cofradías medievales y sus devociones en el reino de Aragón* (Zaragoza: Institución Fernando el Católico, 2013). Unable to cover, even partially, the multitude of studies that have been published in Spain in recent decades, reference is made to the article by Antonio Martín-Viveros Tajuelo, who makes a historiographic assessment on Castilian confraternities in the Middle Ages. Antonio Martín-Viveros Tajuelo, “Las cofradías castellanas en la Edad Media. Pasado, presente y futuro de la producción historiográfica”. *Espacio, Tiempo y Forma, Serie III, H.^a Medieval* 25 (2012): 285-308.

¹² Marina Gazzini, “Solidarity and Brotherhood in Medieval Italian Confraternities: A Way of Inclusion or Exclusion?”, *Reti Medievali Rivista*, 13, no. 2 (2012): 109-120, <http://www.serena.unina.it/index.php/rm/article/view/4787/5379>; Gazzini, “Urban Society and Lay-Religious Communities”.

¹³ Marina Gazzini, ed., *Studi confraternali: orientamenti, problemi, testimonianze* (Firenze: Firenze University Press, 2009), <http://digital.casalini.it/9788884539380>.

¹⁴ Gazzini, “Solidarity and Brotherhood”.

¹⁵ Gazzini, “Urban Society and Lay-Religious Communities”.

context, the studies of Maria José Ferro Tavares¹⁶, Maria Ângela Beirante¹⁷ and Maria Helena da Cruz Coelho¹⁸, as well as Saul António Gomes¹⁹, Mário Farelo²⁰ and this author²¹, who analyzed the different components and geographies of confraternities in Portugal, may all be highlighted as contributing to the field.

This forms the historiographic background of this article, the objective of which is to identify and characterize the confraternities that were established in parishes, and to analyze the relationships that developed between both types of institutions – confraternities and parish churches – from the twelfth century to the late fifteenth century in Coimbra.

The determination of these chronological limits followed the actual evolution of the confraternal movement. The oldest documented confraternities in Coimbra date to the first decades of the twelfth century. They are part of a broader context of charitable development, and of the founding of regular and secular communities within the church²². The fifteenth century closed a cycle of confraternal expansion in Portugal, when the reform of charitable assistance during the reign

¹⁶ Maria José Ferro Tavares, *Pobreza e Morte em Portugal na Idade Média* (Lisbon: Editorial Presença, 1989).

¹⁷ Maria Ângela Beirante, *Confrarias Medievais Portuguesas* (Lisbon: [s.n.], 1990).

¹⁸ Coelho, “As confrarias medievais portuguesas”; Maria Helena da Cruz Coelho, “Pratiques communautaires des laïcs: confréries et institutions collégiales et municipales dans le Portugal medieval”, in *La vie communautaire et le service à la communauté: L'exemple canonial et ses répercussions dans le monde laïc (Europe Occidentale, du XIe au XVe siècle)*, ed. Anne Massoni and Maria Amélia Campos (Évora: Publicações do Cidehus, 2020). <http://books.openedition.org/cidehus/11737>.

¹⁹ Saul António Gomes, “Notas e Documentos sobre as confrarias portuguesas entre o fim da Idade Média e o século XVII: o protagonismo dominicano de Sta. Maria da Vitória”, *Lusitania Sacra*, 2nd series, 7 (1995): 89-150; Saul António Gomes, *O Livro do Compromisso da Confraria e Hospital de Santa Maria da Vitória da Batalha (1427-1544). Estudo Histórico e Transcrição Documental* (Leiria: Magno Edições, 2002).

²⁰ Mário Sérgio da Silva Farelo, “A rede confraternal na cidade de Lisboa (séculos XIII-primeira metade do séc. XVI)”, in *Espaços e poderes na Europa urbana medieval*, ed. Amélia Aguiar Andrade, Catarina Tente, Gonçalo Melo da Silva and Sara Prata (Lisbon: IEM and Câmara Municipal de Castelo de Vide, 2018), 465-492.

²¹ Ana Rita Rocha, “A Assistência em Coimbra na Idade Média: Dimensão Urbana, Religiosa e Socioeconómica (Séculos XII a XVI)” (PhD diss., University of Coimbra, 2019).

²² Rocha, “A Assistência em Coimbra”, 189-200 and Coelho, “Pratiques communautaires des laïcs”.

of King Manuel I profoundly altered the medieval ‘model’ of helping the poor²³. Meanwhile, a new secular religiousness emerged which required greater spiritual benefits and sought new and more effective intercessors. Thus, confraternities increasingly acquired a liturgical and religious nature, reaching a new apogee after the Catholic Reform²⁴.

The city of Coimbra provides a singular setting for the study of these institutions in the period under study. It became the seat of a diocese around 1080, after the restoration of its cathedral and the ultimate defeat of the Muslims in 1064. Throughout the eleventh and twelfth centuries, new churches were built and a tight parochial network was established, resulting in the emergence of nine new parochial churches within the urban perimeter; five parishes arose within the walled area (Almedina) – Santa Maria (of the actual cathedral), S. Pedro, S. João de Almedina, S. Salvador and S. Cristóvão – and four parishes were established on the outskirts of Coimbra – S. Bartolomeu, Santiago, S. João de Santa Cruz and Santa Justa. Moreover, a series of factors led Coimbra to become a favourable environment for the emergence and expansion of brotherhoods of clerics and laymen throughout the last four centuries of the Middle Ages. Among them, were: Coimbra becoming an important focal point for the first Portuguese kings; the urban monastic movement, exemplified at first by the founding of the monastery of Santa Cruz, and later by the arrival of the mendicant orders; the growth of the population, first in the Almedina and later in the peripheries of the city; the ethnic and religious diversity of the people that made up

²³ José Pedro Paiva, ed., *Portugaliae Monumenta Misericordiarum*, vol. 2 (Lisbon: União das Misericórdias Portuguesas, 2003), 18-20, <https://repositorio.ucp.pt/handle/10400.14/8633>; Bernardo Vasconcelos e Sousa, “Pauvres, charité et assistance au Portugal (XIV^e-XV^e siècle)”, in *Minorités et régulations sociales en Méditerranée médiévale: actes du colloque réuni du 7 au 9 juin 2007 en l’Abbaye royale de Fontvraud (Maine-et-Loire)*, ed. Stéphane Boissellier, François Clément and John Tolan (Rennes: Presses Universitaires de Rennes, 2010), 97-106.

²⁴ Gomes, “Notas e Documentos sobre as confrarias portuguesas”, 93-97; Charles-Marie de La Roncière and Jean-Michel Matz, “Le mouvement confraternel”, in *Structures et dynamiques religieuses dans les sociétés de l’Occident latin (1179-1449)*, ed. Marie-Madeleine de Cevins and Jean-Michel Matz, (Rennes: Presses universitaires de Rennes, 2010), 243-253, <http://books.openedition.org/pur/131232>.

the population; economic growth, particularly in the peripheries, which became a commercial area *par excellence*²⁵.

Although sources are scarce, and at times notable for their brevity, those that remain prove the importance of Coimbra. Most documents were not produced by the actual confraternities, nor did they directly pertain to them. Mainly, instead, they come from the archives of religious institutions in Coimbra, i.e., the See, the monastery of Santa Cruz, and the collegiate churches (S. Pedro, S. João de Almedina, S. Salvador, S. Cristóvão, S. Bartolomeu, Santiago, and Santa Justa). These documents have different typologies, being mostly wills and leases or tenure contracts, which mention the confraternities in the city of Coimbra as beneficiaries of pious legacies or owners of buildings or properties with shared borders. These documents are indispensable for identifying the confraternities that were established in Coimbra throughout the Middle Ages, to determine a chronology, even if it is only an approximation (and, by nature, vague), and understand their role in the suffrages for the souls of the deceased.

An important set of documents produced by confraternities and by other ecclesiastical institutions in Coimbra that relate specifically to the brotherhoods was compiled. These sources enable a better

²⁵ About the city of Coimbra in the Middle Ages, and its evolution over this period, particularly regarding the aforementioned aspects, see José Pinto Loureiro, *Toponímia de Coimbra*, 2 vols. (Coimbra: Edição da Câmara Municipal, 1964); Jorge de Alarcão, *Coimbra: a montagem do cenário urbano* (Coimbra: Imprensa da Universidade de Coimbra, 2008); Maria Helena da Cruz Coelho, “Coimbra medieval: uma cidade em maturação”, in *Inventário do Museu Nacional de Machado de Castro. Coleção de ourivesaria medieval. Séculos XII-XV*, ed. Adília Alarcão (Lisbon: Instituto Português de Museus, 2003), 29-47; Maria Helena da Cruz Coelho, *O Município de Coimbra – Monumentos Fundacionais* (Coimbra: Câmara Municipal de Coimbra and Imprensa da Universidade de Coimbra, 2013); Leontina Ventura, “Coimbra medieval: uma cidade em formação”, in *Inventário do Museu Nacional de Machado de Castro. Coleção de ourivesaria medieval. Séculos XII-XV*, ed. Adília Alarcão (Lisbon: Instituto Português de Museus, 2003), 15-28; Maria Amélia Álvaro de Campos, “Coimbra’s parochial network: aspects of its definition in the 12th century”, in *Ecclesiastics and political state building in the Iberian monarchies, 13th-15th centuries*, ed. Hermínia Vasconcelos Vilar and Maria João Branco (Évora: Publicações do Cidehus, 2016), <http://books.openedition.org/cidehus/1596>; Maria Amélia Álvaro de Campos, *Cidade e Religião: a colegiada de Santa Justa de Coimbra na Idade Média* (Coimbra: Imprensa da Universidade de Coimbra, 2017).

understanding of their religious and charitable objectives, their operation, and the relationships they established with other entities, i.e., parish churches. Ten surviving confraternal statutes are worth noting, dating from 1144 to 1498²⁶. There are also a small number of sentences drafted during the fourteenth and fifteenth centuries that are related to a specific historical context in the life of the confraternities – when these associations were extinguished, either by their own choice or by the decision of ecclesiastical authorities. Although very few of these sentences exist, they are the principal source for an examination of the relationships between the brotherhoods and parish churches and reveal that the former had a certain degree of dependence on the later, as will be shown.

These sources allow questions such as – which of the confraternities documented for Coimbra were installed in the city’s parish churches? What were the implications when a confraternity was located inside a parish church? How was this connection materialized? What relationships were established between the institutions? What role did parish churches play when a brotherhood was not able to fulfill its religious and charitable objectives? – to be answered. These answers will reveal themselves, starting through a contextualization of the confraternal movement in Coimbra throughout the Middle Ages and further, focusing on the confraternities implanted in parish churches and the relationships they established with the ecclesiastical institutions where they were based.

1. Coimbra’s medieval confraternities

From the beginning of the twelfth century, inhabitants of Coimbra, both lay and ecclesiastic, began to organize themselves in the form

²⁶ Half of these statutes are copied in the *Tombo Velbo do Hospital Real*, preserved in the Arquivo da Universidade de Coimbra. The rest are divided among the fonds of the Cabido da Sé de Coimbra and the monasteries of Santa Cruz and S. Domingos, especially in the Arquivo Nacional da Torre do Tombo. Rocha, “A Assistência em Coimbra”, 552-554.

of confraternities. Over the course of four centuries, at least forty consecutive brotherhoods were established, although not all of which were simultaneously extant²⁷. They began occupying urban spaces, where they formed a ‘network’ of solidarity and sociability, able to address a desire for mutual assistance and the devotion of Coimbra’s faithful.

The first known confraternity in the city of Coimbra is that of the Santo Sepulcro (Holy Sepulcher), documented between 1117 and 1188²⁸. Over the course of the twelfth century, nine more brotherhoods were documented²⁹. Among them, the confraternity of S. Nicolau (Saint Nicholas) should be highlighted, and whilst documentary references to it are scarce³⁰, it is the brotherhood that can be tracked over the longest period. Established in 1144³¹, this brotherhood survived almost up to the early sixteenth century, when its possessions

²⁷ In the late thirteenth and fourteenth centuries, respectively, sixteen and seventeen confraternities operating simultaneously were identified (Rocha, “A Assistência em Coimbra”, 218, 237). These numbers seem to reveal, on one hand, the ‘charity revolution’ (André Vauchez, “Assistance et charité en Occident, XIII^e-XV^e siècles”, in *Religion et société dans l’Occident médiéval* (Turin: Bottega d’Erasmus, 1980), 58) that was also experienced in Coimbra, and on the other hand, a certain stabilization of the confraternal movement, which reached its apogee in those centuries (Coelho, “As confrarias medievais portuguesas”, 155-156; La Roncière and Matz, “Le mouvement confraternel”).

²⁸ Manuel Augusto Rodrigues, ed., *Livro Preto. Cartulário da Sé de Coimbra. Edição Crítica. Texto Integral* (Coimbra: Arquivo da Universidade, 1999), 112 and 375.

²⁹ This is quite an important figure in terms of the Portuguese context. In a broader study involving the entire kingdom (of Portugal), Maria Helena da Cruz Coelho (Coelho, “As confrarias medievais portuguesas”, 155-156) registered a total of 20 confraternities documented during the twelfth century, some of them located in Coimbra. The author even emphasizes this city as an urban centre where confraternities had strong representativity. It is unavoidable to compare the city under study with Lisbon, where no brotherhood is identified in the twelfth century (Farelo, “A rede confraternal na cidade de Lisboa”, 471), thus highlighting the relative precociousness of the confraternal movement in Coimbra.

³⁰ Only its ‘tombo’ (book of records) is known, finished in 1503 and included in the volume known as *Tombo Velho do Hospital Real*, which includes the statutes of the institution. Arquivo da Universidade de Coimbra (AUC), *Tombo Velho do Hospital Real*, IV-2.^a E-7-3-6, fls. 91-95v, partially published in Paiva, *Portugaliae Monumenta Misericordiarum*, 265-266.

³¹ Paiva, *Portugaliae Monumenta Misericordiarum*, 265-266.

were incorporated into the newly created Hospital Real (Royal Hospital), and it was disbanded³².

As the ‘foundational’ period of the confraternal movement in Coimbra, the twelfth century saw the emergence of the following brotherhoods: the first confraternity associated with a parish church, that of S. Bartolomeu (Saint Bartholomew) (1126)³³; the first to be included in the city’s cathedral, the confraternity of Santa Maria da Sé (Saint Mary of the See) (1152)³⁴; and the first confraternity of craftsmen, the confraternity of Pedreiros (Stone Masons) ([1180])³⁵. All of these were documented up to the last quarter of the fourteenth century.

During the transition of the twelfth to the thirteenth century, the number of documentary references of new confraternities increased slightly, but then stabilized until the end of the fourteenth century. A great change occurred in the fifteenth century, when the number of new confraternities in Coimbra decreased significantly, with only four new institutions registered³⁶.

Over the course of the period under study, several brotherhoods were founded that are notable because of their importance in the welfare and social context of Coimbra. For example, after the stone masons, other craftsmen formed confraternities – such as tailors³⁷

³² The Hospital Real was established by King Manuel I between 1502 and 1508, and unified all the existing hospitals in the city, incorporating their properties, as well as several confraternities, which usually administered small hospitals (Maria Helena da Cruz Coelho, “A Assistência em Coimbra em Tempos Manuelinos: o Hospital Novo”, *Biblos* 72 (1996): 223-258; Rocha, “A Assistência em Coimbra”, 245-246).

³³ Maria Cristina Gonçalves Guardado, “A Colegiada de S. Bartolomeu de Coimbra em Tempos Medievais (Das origens ao início do séc. XV)”, vol. 2 (MA diss., University of Coimbra, 1999), 11.

³⁴ Arquivo Nacional da Torre do Tombo (ANTT), Mosteiro de Santa Cruz de Coimbra, *Livro de D. João Teotónio*, liv. 101, fl. 48v.

³⁵ Rodrigues, *Livro Preto*, 19.

³⁶ This decrease was common in the whole kingdom, as noted by Maria Helena da Cruz Coelho (Coelho, “As confrarias medievais portuguesas”, 156). There are, however, regions in Europe where a considerable increase in the number of confraternities was experienced, such as in the Comtat Venaissin and in Provence (Chiffolleau, “Les confréries, la mort et la religion”, 790, 793-794; Coulet, “Le mouvement confraternel”, 96-97, 101). In the case of Provence, this increase seems to be linked to the multiplication of craft confraternities (Coulet, “Le mouvement confraternel”, 101).

³⁷ ANTT, Cabido da Sé de Coimbra, 2.ª inc., mc. 14, n.º 663.

and ironsmiths in the thirteenth century³⁸, and shoemakers (1302)³⁹. Still within secular devotional practices, there were equally important confraternities dedicated to the Virgin Mary⁴⁰, simply named after Her⁴¹, with invocation related to a site of Her appearance – Santa Maria de Rocamador (Saint Mary of Rocamadour) (1220-1316)⁴² –, or with one of the many Marian devotional titles – Santa Maria da Graça (Saint Mary of Grace) (1457-1500)⁴³ and Nossa Senhora do Rosário (Our Lady of the Rosary) (1494-1498)⁴⁴. The two latter confraternities deserve special attention because they portended new times – both can be classified as exclusively devotional brotherhoods, as their statutes contemplated only religious-liturgical objectives, without any reference to mutual assistance or aid outside the confraternity⁴⁵, a nascent model of the confraternities of the Modern Period⁴⁶.

2. Confraternities within the parish walls

Among the forty confraternities identified in Coimbra, approximately half were installed in parish churches (Table 1, in appendix), intrinsi-

³⁸ João da Cunha Matos, “A Colegiada de São Cristóvão de Coimbra (Sécs. XII e XIII)” (Unpublished academic work, Polytechnic Institute of Tomar, 1998), 175.

³⁹ ANTT, Cabido da Sé de Coimbra, 2.^a inc., mç. 25, n.º 1060. On craft confraternities in the city of Coimbra, see Ana Rita Rocha, “As confrarias de mesteres no contexto assistencial de Coimbra (séculos XII a XV)”, *eHumanista* 49 (2021): 29-45, <https://www.ehumanista.ucsb.edu/sites/default/files/sitefiles/ehumanista/volume49/ehum49js.rocha.pdf>.

⁴⁰ Rocha, “A Assistência em Coimbra”, 339-341.

⁴¹ This was the case with the confraternity of Santa Maria da Sé, documented from 1152 to 1394. ANTT, Mosteiro de Santa Cruz de Coimbra, *Livro de D. João Teotónio*, liv. 101, fl. 48v and ANTT, Cabido da Sé de Coimbra, 2.^a inc., mç. 74, n.º 2972.

⁴² Maria do Rosário Barbosa Morujão, ed., *Testamenta Ecclesiae Portugaliae (1071-1325)* (Lisbon: Centro de Estudos de História Religiosa/Universidade Católica Portuguesa, 2010), 248 and ANTT, Colegiada do Salvador de Coimbra, mç. 5, n.º “45 do 6.º sacco”.

⁴³ Paiva, *Portugaliae Monumenta Misericordiarum*, 401 and ANTT, Mosteiro de Santa Cruz de Coimbra, liv. 41, n.º 2.

⁴⁴ ANTT, Convento de S. Domingos de Coimbra, liv. 2, fl. 20-21.

⁴⁵ Paiva, *Portugaliae Monumenta Misericordiarum*, 401 and ANTT, Convento de S. Domingos de Coimbra, liv. 2, fl. 20-21.

⁴⁶ Gomes, “Notas e Documentos sobre as confrarias portuguesas”, 94.

cally associated with the religious entity that was closest to the population – and with which they were required to interact and engage in dialogue. While the parish was the primary religious setting for worshippers, the confraternities helped intensify religious life, and facilitated their integration in the church⁴⁷. They also contributed to the construction of civic ideals, which were fundamental to urban civic cohabitation, through the rhetoric around reciprocal love, charity, peace, and justice, as Marina Gazzini demonstrated⁴⁸.

The first brotherhoods established in parish churches in Coimbra date to the early decades of the twelfth century, gathering clerics and parishioners around common objectives. Benefitting from this proximity to the ecclesiastical environment, the confraternities adopted the collective way of life of the secular and regular clerics as a model, and were, initially, primarily associated with these communities⁴⁹.

The oldest known parochial brotherhood of Coimbra is the confraternity of S. Bartolomeu set in the outskirts of the city, instituted within the church with the same name, and definitively documented from 1126 when Goldregodo and his children sold a house to the '*confratribus Sancti Bartholomei apostoli*'⁵⁰. However, it is possible that this confraternity had been founded earlier, illustrating the mechanism suggested in the previous paragraph. In 1106, a reference to '*fraternitatis ecclesie Sancti Bartolomei*' can be found⁵¹, but the use of the term '*fraternitatis*' raises some questions, leading to the conclusion that it probably referred to the ecclesiastic community

⁴⁷ Vincent, "La confrérie comme structure d'intégration", 127.

⁴⁸ Gazzini, "Urban Society and Lay-Religious Communities", 27.

⁴⁹ Coelho, "Pratiques communautaires des laïcs". In Florence, John Henderson (Henderson, *Piety and charity*, 56) also draws attention to the role of the secular clergy in the early confraternities, apart from the mendicant order, although parochial documentation is very scarce. See also Paul Trio, "Confraternities as Such, and as a Template for Guilds in the Low Countries during the Medieval and the Early Modern Period", in *A Companion to Medieval and Early Modern Confraternities*, ed. by Konrad Eisenbichler (Leiden: Brill, 2019), 29-31, who describes the monastic or abbatial confraternities in the Low Countries.

⁵⁰ Guardado, "A Colegiada de S. Bartolomeu", vol. 2, 11.

⁵¹ Rodrigues, *Livro Preto*, 730.

that was beginning to become organized at this time in the church of S. Bartolomeu⁵², and not to the confraternity⁵³. It is clear, however, that the confraternities initially arose in connection with the ecclesiastic environment, and as a consequence of the initiative of auxiliary clerics who were associated to the laity⁵⁴.

In the twelfth century, five other confraternities were established within parish churches – mostly during the second half of the century. More than 20 years after the first reference to S. Bartolomeu, in 1147, evidence can be found of the existence of a brotherhood located in the church of Santiago, with the same name⁵⁵. After Santiago (Saint James the Great), the following confraternities were registered: Santa Maria da Sé (1152)⁵⁶, S. Pedro (Saint Peter) (1159)⁵⁷, Clérigos (Clergymen) (1160)⁵⁸ and Santa Cruz (Holy Cross) (1170)⁵⁹ (or Santa Maria da Vera Cruz (Saint Mary of the True Cross), as it came to be known later). While the confraternities of S. Pedro and Santa Cruz were located in the parish churches of S. Pedro and S. João de Santa Cruz⁶⁰, respectively, those of Santa Maria da Sé and of the Clérigos

⁵² Guardado, “A Colegiada de S. Bartolomeu”, vol. 1, 26-34.

⁵³ Curiously, in England the term ‘parish fraternities’ refers to confraternities in general, as they are defined in Portugal, whereas ‘confraternity’ implies an association organized by a religious house, to raise funds for spiritual purposes. Caroline M. Barron, “The Parish Fraternities of Medieval London”, in *Medieval London: collected papers of Caroline M. Barron*, ed. Martha Carlin and Joel T. Rosenthal (Kalamazoo: Medieval Institute Publications, Western Michigan University, 2017), 136-139.

⁵⁴ Anne Massoni, “La participation des chanoines à l’encadrement religieux”, in *Structures et dynamiques religieuses dans les sociétés de l’Occident Latin (1179-1449)*, ed. Marie-Madeleine de Cevins and Jean-Michel Matz (Rennes: Presses Universitaires de Rennes, 2010), 85-94, <https://books.openedition.org/pur/131094>.

⁵⁵ Leontina Ventura and Ana Santiago Faria, ed., *Livro Santo de Santa Cruz* (Coimbra: Instituto Nacional de Investigação Científica, 1990), 155.

⁵⁶ ANTT, Mosteiro de Santa Cruz de Coimbra, *Livro de D. João Teotónio*, liv. 101, fl. 48v.

⁵⁷ Carla Patrícia Rana Varandas, “A Colegiada de S. Pedro de Coimbra das origens ao final do século XIV: estudo económico e social”, vol. 2 (MA diss., University of Coimbra, 1999), 6.

⁵⁸ ANTT, Mosteiro de Santa Cruz de Coimbra, 1.^a inc., DP, mc. 14, n.º 29 and liv. 4, n.º 42, fls. 17-17v.

⁵⁹ ANTT, Cabido da Sé de Coimbra, 1.^a inc., DP, cx. 27, rolo 3, n.º 25.

⁶⁰ The location of the brotherhood of Santa Cruz in the parish church of S. João de Santa Cruz is known through a lease from 1503, which states that the ‘comfraria

were founded in the cathedral of the city, also being the seat of a parish⁶¹.

In the following century, six new confraternities are documented, all located in parish churches inside the walled area of the city. Four of these (to be focused on later in this text) were installed in the church of S. Salvador. The other two correspond to the confraternities of S. Cristóvão (Saint Christopher), documented from 1259⁶², and of S. Brás (Saint Blaise), first mentioned in 1286⁶³. It is worth noting that both adopted the names of the churches where they were installed, since the church of S. João de Almedina was also known as church of S. Brás⁶⁴.

The church of S. Salvador is paradigmatic, as it accommodated within its walls four confraternities: one dedicated to its patron saint, this only documented in the testament of the Canon Martim Martins in 1220⁶⁵, that of ‘Mouzinhos’, mentioned in the same document⁶⁶,

de Santa Maria da Vera Cruz (...) esta na igreja de Sam Joham da nossa muy noble e sempre leall cidade de Coimbra’ (‘the brotherhood of Holy Mary of the True Cross (...) is [located] in the church of Saint John of our very noble and always loyal city of Coimbra’). AUC, Hospital Real de Coimbra, IV-3.^a-Gav. 50-n.º 2/11.

⁶¹ Campos, “Coimbra’s parochial network”. In the case of the confraternity of the Clérigos, the association with the cathedral is not as clear as in the case of that of Santa Maria da Sé, whose name sometimes includes a direct reference (see, for example, ANTT, Cabido da Sé de Coimbra, 2.^a inc., mç. 79, n.º 3390). However, in a document from the thirteenth century, the former was designated as ‘*confrariam clericorum Sancte Mariae*’, which enables the identification of its members, and therefore, of its location within the See (ANTT, Cabido da Sé de Coimbra, 1.^a inc., mç. 20, n.º 21). The possibility that these two confraternities were the same institution cannot be excluded, as this author maintained in a previous study (Rocha, “A Assistência em Coimbra”, 198). However, as before, the choice has been made to keep them as two separate brotherhoods.

⁶² Matos, “A Colegiada de São Cristóvão”, 187.

⁶³ ANTT, Colegiada de S. João de Almedina de Coimbra, mç. 1, n.º 4.

⁶⁴ Rocha, “A Assistência em Coimbra”, 252.

⁶⁵ Morujão, *Testamenta Ecclesiae Portugaliae*, 248.

⁶⁶ On this confraternity and the meaning of its name, see Saul António Gomes, “A solidariedade eclesial na promoção de escolares pobres a estudos universitários: o exemplo coimbrão nos séculos XIV e XV”, in *Universidade(s): história, memória, perspectivas. Actas do Congresso “História da Universidade” no 7º centenário da sua Fundação*, vol. IV (Coimbra: Comissão Organizadora do Congresso “História da Universidade”, 1991), 208-209 and Rocha, “A Assistência em Coimbra”, 207-208.

that of Santo António (Saint Anthony), known since 1276⁶⁷, and the confraternity of S. Marcos (Saint Mark), founded in 1290⁶⁸.

While the name of the confraternity of S. Salvador (Saint Savior) evokes the parish church where it was registered, the other names are not so easy to place and are, in fact, contingent on the documentary data. For example, a letter of visitation in 1353 by bishop Jorge of Coimbra, elucidates that within the church of S. Salvador there was a brotherhood with the same patron saint, yet with the designation of ‘dos Moozinhos’⁶⁹. Despite having the same name as the church, this was not the confraternity of S. Salvador, since both are referred to in the above-mentioned testament as separate institutions⁷⁰. In turn, the location of the confraternity of S. Marcos in that church is confirmed by a document from 1443 which states that Geraldo was *juiz* (‘judge’) of the ‘confraria de Sam Marcos da dicta igreja (of S. Salvador)’ (‘confraternity of S. Marcos of the said church (of S. Salvador)’)⁷¹.

The confraternity of Santo António raises other questions, however – for example, its location in the parish church of S. Salvador is not as obvious as the previous cases. Fortunately, some extant data leaves no room for doubts on this matter, as this is one of the Medieval confraternities upon which there are a greater number of surviving sources – preserved in the archive of the church of S. Salvador and currently housed in the Arquivo Nacional da Torre do Tombo⁷².

⁶⁷ ANTT, Colegiada do Salvador de Coimbra, Antiga Coleção Especial, mç. 1, n.º 7. This confraternity was also known as the confraternity of Santo Antoninho (‘Little Saint Anthony’) or Santo Antão (‘Great Saint Anthony’), as this author demonstrated in a previous work (Rocha, “A Assistência em Coimbra”, 208-209).

⁶⁸ Paiva, *Portugaliae Monumenta Misericordiarum*, 314-316.

⁶⁹ ANTT, Colegiada do Salvador de Coimbra, mç. 10, “Vigésimo outavo purgaminho do 1.º sacco”.

⁷⁰ Morujão, *Testamenta Ecclesiae Portugaliae*, 248.

⁷¹ ANTT, Colegiada do Salvador de Coimbra, mç. 11, n.º “27 do 3.º sacco”.

⁷² The fond in question is that of the Colegiada do Salvador de Coimbra, consisting of documentation produced between 1144 and 1569, according to information obtained in the online data base of the Arquivo Nacional (<http://digitarq.arquivos.pt/details?id=1380207>). The survey undertaken allowed the compilation of eight *emprazamentos* (lease) of the properties of the confraternity of Santo António (Saint Anthony), carried

This information reveals a very close connection between the two institutions, as this research asserts and, furthermore, some of these letters were written in the church of S. Salvador⁷³, as will be made apparent. Further revealing evidence are a lease and an exchange, from 1439 and 1453 respectively, in which the dean and the portioners of S. Salvador took part as administrators of the properties of the confraternity, implying that these were shared by both institutions⁷⁴.

Over the course of the following centuries, particularly in the 1300s, eight new confraternities were registered in parish churches. In the cathedral, for example, its *bacharéis* (bachelors) established a confraternity in 1324 in honour of Holy Mary and drafted their statutes defining norms of mutual solidarity and religiosity⁷⁵ – which were later extended⁷⁶. Some years afterward, between 1343 and 1348, a group of over forty men established a confraternity in honour of the Holy Virgin Mary, in the church of S. Bartolomeu, immediately committing its statutes to documentary form⁷⁷.

It appears that, alongside the existing brotherhood in the church of S. Pedro, another confraternity was established in the twelfth century, that of Santo Isidro (Saint Isidore). This association was first mentioned in a clause in the testament of the muleteer Nicolau Geraldes, known through a copy written in November of 1353 by request of the portioner of S. Pedro. The testator, upon bequeathing

out by their ‘judge’, ‘stewards’ and confraters, as well as a claim against the king’s falconer and his wife. See, as an example, ANTT, Colegiada do Salvador de Coimbra, mç. 2, s/n (1343, June, 11) and mç. 8, s/n (1324, December, 23).

⁷³ See, for example, ANTT, Colegiada do Salvador de Coimbra, mç. 13, n.º “268 do 9.º sacco” (1396, June, 25).

⁷⁴ ANTT, Colegiada do Salvador de Coimbra, mç. 7, n.º “364 do 13.º sacco” and mç. 9, n.º “87 do 8.º sacco”.

⁷⁵ Paiva, *Portugaliae Monumenta Misericordiarum*, 323-326.

⁷⁶ Abílio Queirós, “Estatutos’ da Confraria dos Bacharéis da Sé de Coimbra”, *Boletim do Arquivo da Universidade de Coimbra* 19-20 (1999-2000): 75-92. On this confraternity and its two statutes, as well as the importance of bachelors, see Gomes, “A solidariedade eclesial”, 210-211 and Rocha, “A Assistência em Coimbra”, 223-224.

⁷⁷ Paiva, *Portugaliae Monumenta Misericordiarum*, 345-346. As previously claimed by this author (Rocha, “A Assistência em Coimbra”, 224), this confraternity had nothing to do with the confraternity of S. Bartolomeu, documented since 1126.

some olive trees to his family and descendants in return for lighting the lamp in the church of S Pedro, determined that once his lineage became extinct, the olive trees would pass to the confraternity of Santo Isidro, whereby its *mordomos* ('stewards') and 'judges' would assume this commitment⁷⁸. Although it is not possible to be completely certain of the connection between S. Pedro and Santo Isidro, the location of the shelter administered by this confraternity and the other properties in the parish of S. Pedro de Almedina⁷⁹ leads to a conclusion that the brotherhood was likely located in that parish church.

Santa Justa, the church on the outskirts of the city to the north of the walled area⁸⁰, had the largest number of established confraternities – with five in total, each only documented in the fourteenth and fifteenth centuries. However, this was also the only parish church that did not have its own confraternity, as seen regarding the other eight parishes of the city in which brotherhoods devoted to their eponymous patron saints were founded.

It is certain that the confraternities of the Espírito Santo (Holy Spirit), documented from 1309⁸¹, S. Lourenço (Saint Lawrence), since 1328⁸², and the later S. Sebastião (Saint Sebastian), referred for the first time in the second half of the fifteenth century ([1460-1481])⁸³, were emplaced in this church – as evidenced by episcopal visitations in the sixteenth century to Santa Justa⁸⁴. In the case of the confraternity of S. Sebastião, it seems likely that it also developed part of its activity in the church of S. Pedro. According to its first documentary

⁷⁸ ANTT, Colegiada de S. Pedro de Coimbra, mç. 5, s/n (1353, November, 4).

⁷⁹ See, for example, ANTT, Colegiada de S. Pedro de Coimbra, mç. 2, n.º 2A (1389, May, 2) and mç. 6, n.º 34 (1402, April, 12).

⁸⁰ On this church and parish, see Campos, *Cidade e Religião*.

⁸¹ ANTT, Colegiada de Santiago de Coimbra, mç. 17, n.º 46/322.

⁸² ANTT, Cabido da Sé de Coimbra, 2.ª inc., mç. 35, n.º 1483.

⁸³ ANTT, Colegiada de S. Pedro de Coimbra, cx. 2, mç. 3, s/n. The interpretation of the date of this document raises some doubts. As such, it was decided to date it critically to the episcopate of João Galvão (1460-1481), mentioned in this visitation.

⁸⁴ Campos, *Cidade e Religião*, 167. AUC, Coimbra, Capítulos de Visitas, III-1.ª D-5--2-71-1, fls. 18v-19 and 24v-25 and ANTT, Colegiada de Santa Justa de Coimbra, liv. 4, fl. 11.

mention – at the time of an episcopal visitation during the episcopate of João Galvão (1460-1481) – the brotherhood of S. Sebastião was to be the recipient of fines paid by the dean of S. Pedro in case of failure to obey some of the orders issued by the vicar-general of the bishop. The confraternities' distribution of liturgical functions throughout several places was, in fact, a relatively common practice⁸⁵.

The available information points to the probability that the church of Santa Justa also housed the confraternities of Santa Marinha (Saint Marina) (1332)⁸⁶ and Santa Águeda (Saint Agatha) (1375)⁸⁷, both documented until the 1380s, but no further. Other than owning property in the parish of Santa Justa (particularly the confraternity of Santa Águeda)⁸⁸, the existence of a door and chapel dedicated to Santa Marinha⁸⁹ and an altar invoking Santa Águeda⁹⁰ in that church provide further indicative corroboration.

Residing in parish churches, which acted as the nucleus of the collective organization of the inhabitants of a city, these confraternities considered the parochial perimeter as their main fount of recruitment, mustering the faithful from the parish locale '*tam clericis quam laici sive femine*' ('both clergyman and lay men and women'), such as the confraternity of S. Pedro, in 1159⁹¹. However, despite knowing the names of some of the members of these brotherhoods, in the great majority of cases these individuals cannot be directly linked to the parish where they were members. One exception were the clerics who held positions in the confraternities' administration. For example, among the stewards of the confraternity of 'Mouzinhos' there was a dean from the church of S. Salvador, documented in 1299⁹², and a

⁸⁵ Tello Hernández, *Aportación al estudio de las cofradías*, 123-124.

⁸⁶ Paiva, *Portugalíae Monumenta Misericordiarum*, 390.

⁸⁷ ANTT, Colegiada de Santa Justa de Coimbra, mç. 4, n.º 64.

⁸⁸ See, for example, ANTT, Convento de Santana de Coimbra, mç. 4, s/n (1 July 1386).

⁸⁹ Campos, *Cidade e Religião*, 291 and 337.

⁹⁰ ANTT, Colegiada de Santa Justa de Coimbra, liv. 4, fl. 11.

⁹¹ Varandas, "A Colegiada de S. Pedro", 6.

⁹² ANTT, Colegiada do Salvador de Coimbra, mç. 16, n.º "392 do 13.º sacco".

portioner from the same church, mentioned between 1316 and 1327⁹³. This confraternity relied on the portioners of S. Salvador, Pedro Peres and Domingos Martins, as their procurators, the first between 1311 and 1327⁹⁴ and the second in 1352⁹⁵.

This data reveals a tendency that was more common in the early stages of the founding of the parish confraternities, and which gradually disappeared over time. As Pascal Vuillemin observed regarding Venice, these confraternities gradually extended their sphere of recruitment beyond the parish limits⁹⁶. In effect, the main administrative positions in Coimbra – with only a few exceptions such as those mentioned above – were also held by deans and clerics of other parishes, comparable to the structure seen in Aragon⁹⁷.

The confraternities studied here celebrated their liturgical services in the churches where they were established – in particular, ceremonies to honour their patron saint and to pray for the souls of their deceased members and benefactors, who had made the confraternities beneficiaries of their estates through their wills, in order to attain eternal salvation⁹⁸. Similarly, it was in these temples that ‘judges’, ‘stewards’

⁹³ See, for example, ANTT, Colegiada do Salvador de Coimbra, mç. 5, n.º “45 do 6.º sacco” and ANTT, Colegiada do Salvador de Coimbra, mç. 15, n.º “246 do 9.º sacco”.

⁹⁴ See, for example, ANTT, Colegiada do Salvador de Coimbra, mç. 14, n.º “41 do 6 sacco” and ANTT, Colegiada do Salvador de Coimbra, mç. 15, n.º “246 do 9.º sacco”.

⁹⁵ See, for example, ANTT, Colegiada do Salvador de Coimbra, mç. 13, s/n (10 March 1352).

⁹⁶ Pascal Vuillemin, “« Des paroisses à la ville » et la redéfinition des réseaux de solidarités à Venise à la fin du moyen âge (XIV^e-XV^e siècles)”, *Mélanges de l'École française de Rome – Moyen Âge* 123-1 (2011), <https://doi.org/10.4000/mefrm.654>. A situation that was common to other regions, as observed by other authors (Vincent, *Des charités bien ordonnées*, 260-265; Rosser, *The Art of Solidarity*, 4). Nonetheless, in the Low Countries there were some parish confraternities that ‘recruited almost exclusively within the parish boundaries’ (Trio, “Confraternities as Such”, 32).

⁹⁷ Tello Hernández, *Aportación al estudio de las cofradías*, 123. A complete list of the ‘judges’, ‘stewards’, and other officials known for the medieval confraternities of Coimbra can be consulted in Rocha, “A Assistência em Coimbra”, 555-560.

⁹⁸ On the confraternities’ role as mediators and their inclusion in testaments, as beneficiaries of pious legacies, see Jacques Chiffolleau, *La comptabilité de l'au-delà: Les hommes, la mort et la religion dans la région d'Avignon à la fin du Moyen Âge (vers 1320 - vers 1480)* (Paris: Éditions Albin Michel, 2011), 274-295 and Hermínia Vasconcelos Vilar, *A vivência da morte no Portugal medieval: a Estremadura portuguesa (1300 a 1500)* (Redondo: Patrimonia, 1995), 182-187. See also Gazzini, “Urban Society

and confraters met. Within a church, the members of a confraternity could choose different locations for their meetings, with a clear preference for large spaces that could accommodate all the participants. Other than meetings held in the church, without specifying the location⁹⁹, in 1396 the confraters of Santo António were recorded as assembling in the cemetery of the church of S. Salvador¹⁰⁰ and, in 1453, in the choir¹⁰¹; in 1427 and 1507 those of S. Marcos convened in the cloister of their church¹⁰² and, in 1443, in front of the main door¹⁰³.

The confraternity of the Bacharéis da Sé (Bachelors of the Cathedral) was an even more paradigmatic example. These clerics, which, as seen, formed a confraternity in 1324, would convene ‘hu se faz o cabiidoo dos coonigos da dicta See’ (‘where the canons of the said see meet in chapter’)¹⁰⁴, that is, ‘dentro na Castra da dicta See’ (‘in the cloister of the said see’), as specified in the second statutes¹⁰⁵. Although it appears similar in its aspects to the prior examples, particularly to the confraternity of S. Marcos, convening in the cloister, this case shows one of the most relevant aspects of confraternal meetings, further strengthening the bonds between these associations and the ecclesiastic institutions. In effect, as indicated by the sources, the members of the confraternities met in these different places ‘in cabido’ (in chapters), a clear replication of parish chapters, as well

and Lay-Religious Communities”, 31, who emphasizes the celebration of confraternal ceremonies in the circumscribed space of the parish churches.

⁹⁹ ANTT, Colegiada do Salvador de Coimbra, mç. 13, n.º “268 do 9.º sacco” (25 June 1396).

¹⁰⁰ ANTT, Colegiada do Salvador de Coimbra, mç. 13, n.º “87 do 8.º sacco”.

¹⁰¹ ANTT, Colegiada do Salvador de Coimbra, mç. 9, n.º “87 do 8.º sacco”.

¹⁰² ANTT, Colegiada do Salvador de Coimbra, mç. 4, n.º “14.º do 2.º sacco” and AUC, Hospital Real de Coimbra, IV-3.^a-Gav. 50-n.º 2.

¹⁰³ ANTT, Colegiada do Salvador de Coimbra, mç. 11, n.º “27 do 3.º sacco”.

¹⁰⁴ Paiva, *Portugaliae Monumenta Misericordiarum*, 324.

¹⁰⁵ Queirós, “‘Estatutos’ da Confraria dos Bacharéis”, 91.

as those of cathedrals and monasteries. As Maria Helena da Cruz Coelho demonstrated, the confraternities were strongly influenced by the secular and regular clergy – and even by municipal institutions – imitating their models of organization¹⁰⁶.

To perform liturgical and administrative activities in the parish churches the confraternities required certain objects, kept within the locale of these duties¹⁰⁷. Whilst these objects are rare in Coimbra, and are from later dates, they are sufficient to illustrate this affirmation. Regarding the episcopal visitations to the church of Santa Justa in the 1580s, sources indicate that at that time the confraternity of Espírito Santo had a wax casket and a footstool, probably used in liturgical and funerary ceremonies, as well as in its chapters¹⁰⁸. Moreover, the ‘stewards’ of Espírito Santo tried to prevent their equivalents from other confraternities using these items on the feast days of their associations. They were, however, unsuccessful since the bishop (or his vicar) considered that these items could very well be used by different confraternities, given the lack of space in the church for more footstools and wax caskets. The confraternity of S. Sebastião had an altar in the church of Santa Justa, which was transferred in the sixteenth century to a different location by the confraters with the help of the parishioners¹⁰⁹.

The proximity between confraternities and parish churches inevitably led to the development of relationships between these institutions, which left a mark on the existence of each one of them to some degree.

¹⁰⁶ Coelho, “Pratiques communautaires des laïcs”. On confraternal chapters, see Rocha, “A Assistência em Coimbra”, 318-321.

¹⁰⁷ Vincent, *Des charités bien ordonnées*, 270.

¹⁰⁸ AUC, Coimbra, Capítulos de Visitas, III-1.^a D-5-2-71-1, fls. 18v-19v and 23v-25.

¹⁰⁹ ANTT, Colegiada de Santa Justa de Coimbra, liv. 4, fl. 11. On the possessions that the confraternities preserved inside parish churches and chapels built therein, see Vincent, *Des charités bien ordonnées*, 270-278. Paul Trio (Trio, “Confraternities as Such”, 32) also identified the use by confraternities of an altar or chapel at the back of parish churches in the Low Countries. Unfortunately, as evident from the aforementioned examples, there is almost no information about confraternal chapels, altars, or other decorative elements in Coimbra.

3. Intertwined relationships between confraternities and parish churches

The relationships that were established between the confraternities and parishes churches could have different forms, some of which have already been explained. The mere existence of a confraternity within a parish church required constant dialogue between the clerics and the members of the brotherhood. As such it was necessary to discuss various affairs, including those associated with the celebration of liturgical service (which were probably carried out by the clerics of the actual church), the occupation of the spaces where the confraternal chapters were held, as well as the management of the objects belonging to the associations, kept inside the temple itself. Although they were independent entities, the confraternities were always reliant – to some degree – on the churches, since the brotherhoods occupied a space not belonging to them, and had to be careful not to impinge upon on parochial life¹¹⁰.

However, the sources that are available regarding these topics in the medieval confraternities of Coimbra are very limited. The few examples that have survived specify the compliance or noncompliance of obligations that the confraternities had with the churches, as evidenced in two instances, one involving the confraternity of S. Marcos, and the other that of Santa Cruz (or Santa Maria da Vera Cruz).

In the first case, after an exchange with the notary Pedro Afonso and his heirs (at an unknown date), the confraternity of S. Marcos was legally bound to pay a perpetual annuity of 3 pounds to the church of S. Salvador for their new properties, as the previous owner had done¹¹¹. However, the reimbursement only was made when the

¹¹⁰ Vincent, “La confrérie comme structure d’intégration”, 129. On the relations, very often complementary, between confraternities and parishes, see Andrew Brown, *Popular Piety in Late Medieval England: The Diocese of Salisbury, 1250-1550* (Oxford: Oxford University Press, 1995), 132-152 and Henderson, *Piety and charity*, 430-438.

¹¹¹ These properties were obliged to pay a perpetual fee – the *censo* – to the church of S. Salvador, to support acts of worship for the soul of the donor, who, in this case, is unknown (probably Pedro Afonso or one of his ancestors). The *censo*s

dean and the portioners complained about the lack of payment. In order to comply with their obligation, in October 1443 the brotherhood bound all its assets, accepting to pay the fee on the first day of January of each year¹¹². This was, however, a duty which the confraternity had to pay as owner of real estate, and not for its activity as a secular association of charity and mutual assistance.

The confraternity of Santa Cruz, on the other hand, had to deal with a problem related to the commemoration of the dead, which was one of the principal objectives of these institutions¹¹³. In 1332, Lourença Pires bequeathed several properties to the chapel of S. Salvador, registered in the church of Santa Justa, the administration of which was to be handed over to that confraternity after the death of her husband, Francisco Lourenço¹¹⁴. The confraternity was thus bound to manage the assets of the chapel and was responsible for guaranteeing the annual liturgical services, ordering sung masses (*missas cantatas*) and giving alms to the poor¹¹⁵. Later, Marinha Lourenço, daughter of the settlor and her husband, altered that clause, whereby the confraternity would only assume the administration in

were attached to the properties on which they fell, and even when these were sold, donated or exchanged, the new owner was bound to pay the church, in charge of praying for the donor's soul, as can be seen in the example described here. On *censos*, see Ana Maria S. A. Rodrigues, "Patrimónios, direitos e rendimentos eclesiásticos", in *História Religiosa de Portugal*, ed. Carlos Moreira Azevedo, vol. I, *Formação e Limites da Cristandade*, ed. Ana Maria Jorge and Ana Maria Rodrigues (Lisbon: Temas e Debates, 2004), 265-267.

¹¹² ANTT, Colegiada do Salvador de Coimbra, mç. 11, n.º "27 do 3.º saco".

¹¹³ Beirante, *Confrarias Medievais*, 27-28; Coelho, "As confrarias medievais portuguesas", 172-174; Rocha, "A Assistência em Coimbra", 345-353.

¹¹⁴ According to Maria de Lurdes Rosa, it was relatively frequent for the settlors of entails, in particular chapels, coming from the lower echelons of society to hand over the respective administration to confraternities, showing the 'fraqueza dos laços linhagísticos entre estas [pessoas] e a função suplente das confrarias, no que toca ao desempenho de encargos fúnebres' ('weakness of the lineage bonds between these [people] and the substitute role taken on by confraternities regarding funeral responsibilities') (Maria de Lurdes Rosa, *As «Almas Herdeiras». Fundação de Capelas Fúnebres e Afirmação da Alma como Sujeito de Direito (Portugal, 1400-1521)* (Lisbon: Imprensa Nacional – Casa da Moeda, 2012), 432).

¹¹⁵ Paiva, *Portugaliae Monumenta Misericordiarum*, 391. On this and other chapels established in the church of Santa Justa in Coimbra, as well as other ways of praying for the souls of deceased parishioners, see Campos, *Cidade e Religião*, 334-345.

the case of termination of lineage. She also determined that the confraternity was to report all the assets and income of the chapel to the dean and portioners of the church of Santa Justa, to whom they should pay, with that income, the celebration of the ceremonies¹¹⁶. However, as a possible consequence of economic problems in the late Middle Ages¹¹⁷, the confraternity was no longer able to comply with its responsibilities, even concealing some of the assets associated with the chapel. In 1473, the confraters of Santa Maria were ordered to hand over the ownership of an olive grove to the dean and portioners of the church of Santa Justa thanks to a verdict delivered by the vicar-general of bishop João Galvão, ostensibly for not complying with the testamentary wishes of Francisco Lourenço, within which they were compelled to light the lamps in the chapel of S. Salvador, located in that church¹¹⁸. Since the olive grove was donated to the chapel and not to the confraternity, the confraternity's compliance with the clause was supervised by the clerics of Santa Justa, who had soon attempted to resolve the issue. However, problems appear to have persisted since, in 1503, another judgement was issued in favour of the church of Santa Justa against the same confraternity¹¹⁹.

These examples show that when confraternities defaulted on their responsibilities, they immediately turned to the competent authorities, a sign of submission toward – or even dependence on – the parish churches with whom they were connected, and further, on the episcopal power to which they were also subordinated¹²⁰.

¹¹⁶ ANTT, Colegiada de Santa Justa de Coimbra, mc. 24, n.º 468. This document corresponds to the transfer, on 14 August 1395, of the clauses of the testament of Marinha Lourenço, but it cannot be dated with precision.

¹¹⁷ Rocha, “A Assistência em Coimbra”, 308.

¹¹⁸ ANTT, Colegiada de Santa Justa de Coimbra, mc. 9, n.º 181-A. The light and the task of lighting the souls of the confraters and benefactors of the confraternities were fundamental elements of their existence, as demonstrated by Noël Coulet (Coulet, “Le mouvement confraternel”, 108).

¹¹⁹ ANTT, Colegiada de Santa Justa de Coimbra, mc. 1, n.º 8. Given the bad state of preservation of this document, a more complete and thorough analysis of its content was not possible.

¹²⁰ Vincent, “La confrérie comme structure d'intégration”, 128.

The sources are particularly rich in details describing how the confraternities, together with parish churches, confronted their process of disbandment. Through a small but important number of documents preserved in the archives of some of those churches – S. Salvador, S. João de Almedina, S. Cristóvão, and Santiago – an understanding of the relationship of interdependence between the two kinds of institution can be created, before and after the cessation of the brotherhoods. This process of cessation occurred between the mid-fourteenth century and the early decades of the fifteenth century, within a much wider context of general crisis affecting charitable institutions¹²¹.

According to the available examples, in the case of the confraternities of ‘Mouzinhos’, Alfaiates (Tailors), S. Cristóvão, and S. Brás, all ended their activity either by their own volition or by episcopal order. The reasons behind this closure were twofold – firstly, because of their loss of financial capacity to carry out their religious and charitable activities and furthermore because of a reduced membership to a very small number of confraters. For example, in 1353 the confraternity of ‘Mouzinhos’ had only four confraters¹²², and in 1422 the confraternity of S. Cristóvão had only two¹²³. The confraternity of S. Brás, also by the 1420s, was barely operating: ‘se nom fazia em ella nenhũa obra meritoria nem avia ja memoria dos conffrades della’ (‘there was no meritorious work undertaken in that name, nor was there memory of its confraters’)¹²⁴. Coimbra was not a unique case in the European scenario, however, as revealed by the example of the parochial confraternities in Venice, which, at the end of the fourteenth century, suffered a major crisis as a consequence of rivalry

¹²¹ Paulo Drumond Braga, “A crise dos estabelecimentos de assistência aos pobres nos finais da Idade Média”, *Revista Portuguesa de História* 26 (1991): 175-190.

¹²² ANTT, Colegiada do Salvador de Coimbra, mç. 10, “Vigésimo outavo purgaminho do 1.º sacco”.

¹²³ ANTT, Colegiada de S. Cristóvão de Coimbra, mç. 20, n.º 20.

¹²⁴ ANTT, Colegiada de S. João de Almedina de Coimbra, mç. 3, n.º 7.

with other brotherhoods, leading to a decrease in both their membership and income¹²⁵.

When the cessation of their activities and organization became inevitable, it was still necessary to make provisions for the continuation of the spiritual duties to which the confraternities were obligated by the testaments of their benefactors in perpetuity, be they confraters or not. Their belongings therefore had to be transferred to another institution that could fulfill these responsibilities, and in the analyzed examples, the choice always fell to the parish churches where the confraternities were located¹²⁶. In S. Cristóvão, the opinion of the confraters was taken into consideration. When the canon of the See of Coimbra, Raimundo Eanes, visited the shelter administered by the confraternity, by order of the vicar-general of the bishop, he asked the confraters if they agreed with the handover of the administration of their possessions and celebration of anniversaries to the dean and portioners of the church of S. Cristóvão, the church in which they were housed¹²⁷.

The possessions of the confraternity of 'Mouzinhos' were also incorporated into the church of S. Salvador, but for different reasons. In this case, it was the actual parish church that was in such economic crisis that it was prevented from carrying out its divine obligations. Furthermore, the brotherhood had only four remaining confraters – the bishop thus ordered the incorporation of its estate into the church, which was henceforth responsible for the celebration of anniversaries for the souls of their confraters and benefactors, and

¹²⁵ Vuillemin, “« Des paroisses à la ville »”.

¹²⁶ In Zaragoza, in 1395, the confraternity of S. Salvador (Saint Savior), established in the parish church with the same invocation, handed over their possessions to the chapter of that church for them to be administered (Tello Hernández, *Aportación al estudio de las cofradías*, 304). Although there is no knowledge to hand of the context in which this donation occurred, it seems plausible that it might have been a similar situation to the ones described here.

¹²⁷ ANTT, Colegiada de S. Cristóvão de Coimbra, mç. 20, n.º 20.

for the administration of their shelters and hospitals¹²⁸. This provides a clear illustration of how the relationships of dependency and assistance between parish churches and confraternities worked in both directions.

The incorporation of possessions in parish churches did not always go as expected, however. In 1378, the confraters of the Alfiates decided, of their own volition, to donate some of their properties to the church of Santiago – to celebrate masses for the souls of their deceased members – as they were unable to maintain the brotherhood and hold the services and prayers to which they were obligated. Bishop João of Coimbra granted their request and authorized the donation that year¹²⁹. However, the confraternity did not comply with its part of the agreement, instead embargoing the assets and rents that they had previously donated to the church of Santiago. Consequentially, the church took legal action against the confraternity the following year. Geraldo Peres, vicar-general of the bishop, issued a judgement requiring them to hand over the assets to the church. He also gave three canonical admonishments to the ‘judges’, ‘stewards’, and confraters of that brotherhood, and threatened them with excommunication if they tried to impede the transfer¹³⁰.

It should be noted that these processes of dissolution and incorporation of the confraternities’ assets in parish churches took place with the oversight of the episcopal authorities. These authorities thus either determined the closure of the institutions because of their failure to fulfill their objectives, or otherwise authorized the donation of their belongings to religious institutions. As can be seen, firstly, the parish churches were subordinate to the bishop of the city, just as the confraternities were¹³¹. Furthermore, secondly and perhaps

¹²⁸ ANTT, Colegiada do Salvador de Coimbra, mç. 10, “Vigésimo outavo purgaminho do 1.º sacco”.

¹²⁹ ANTT, Colegiada de Santiago de Coimbra, mç. 12, n.º 553/372.

¹³⁰ ANTT, Colegiada de Santiago de Coimbra, mç. 3, n.º 289/771.

¹³¹ According to Catherine Vincent, based on the example of Normandy, episcopal control over the confraternities was compulsory, which seems reasonable, given the

more importantly, a consideration of what was at stake should be held in mind – ‘the properties of the souls’, bequeathed to these confraternities by individuals on their deathbeds, who hoped to receive the perpetual celebration of anniversaries and masses for their souls and salvation in exchange. However, conflicts between the Crown and the Church arose, especially, throughout the fifteenth century, when the jurisdiction and legislation of the ‘properties of the souls’ and pious works were still under the authority of the Church¹³², whereby any alteration to the pious suffrages that had been entrusted to the confraternities required episcopal approval.

Conclusion

In the context of the confraternal movement in Coimbra, approximately twenty confraternities were established between the first decades of the twelfth century and the end of the fifteenth century in the various parish churches of the city, both within its walled area and the city perimeter. The faithful, whilst respecting the importance that the parish had in their community life, found a new form of integration, which complemented the spiritual support provided by the churches, in these associations.

As shown, all the parish churches in Coimbra accommodated one or more confraternities, some of which adopted the same patron saint. Nonetheless, the churches of S. Salvador and Santa Justa are noteworthy for having registered the most confraternities (four and five, respectively): perhaps, however, this is an artefact of the considerable number of written sources for these parishes compared to other churches. Therein, more relevant and revealing information is available

religious and funerary objectives of these associations (Vincent, “La confrérie comme structure d’intégration”, 128).

¹³² On these questions, particularly regarding jurisdiction of the so-called ‘properties of the souls’, see, for all, Rosa, *As «Almas Herdeiras»*, 165-307.

about these brotherhoods, disclosing such aspects as the composition of these confraternities, the places where the chapters were held, the objects that these associations had for the practice of their religious and social activities, and the interaction of the institutions in times of conflict or cessation of the confraternities. Beyond this data, there is information originating from other churches and confraternities that enrich the overview of these different topics.

Perhaps the most innovative information that was gathered relates to the way that both the confraternities and the parish churches approached the dissolution of the former, when the scarcity of resources, the inability to fulfill their objectives, and the reduced number of confraters made their cessation inevitable. The data collected from the sources allowed a conclusion to be made that, at those stages, the parish churches became the bona-fide depositories of the confraternities' estates, ensuring the perpetuity of suffrages for the souls of all those who had benefitted them – and even their charitable functions. This transfer of resources and obligations demonstrates the existence of a very close relationship between both institutions and a certain dependence of the confraternities on the parish churches where they were established.

To conclude, whilst not always amicable, these relationships were based, above all, on cooperation and interdependence, indelibly marking the nature and operation of the Medieval brotherhoods in Coimbra.

Appendix

Name	First documental reference		Last documental reference		Location
	Date	Source	Date	Source	
Confraternity of S. Bartolomeu (Saint Bartholomew)	1126	Guardado 1999, vol. 2, 11.	1376	ANTT, Convento de Santana de Coimbra, mç. 4, s/n (1376, July, 8).	Church of S. Bartolomeu
Confraternity of Santiago (Saint James the Great)	1147	Ventura and Faria, 1990, 155.	1175	ANTT, Mosteiro de S. Jorge de Coimbra, 1.ª inc., mç. 4, n.º 8.	Church of Santiago
Confraternity of Santa Maria da Sé (Saint Mary of the See)	1152	ANTT, Mosteiro de Santa Cruz de Coimbra, Livro de D. João Teotónio, liv. 101, fl. 48v.	1394	ANTT, Cabido da Sé de Coimbra, 2.ª inc., mç. 74, n.º 2972.	Cathedral of Coimbra
Confraternity of S. Pedro (Saint Peter)	1159	Varandas 1999, 6.	1406	ANTT, Colegiada de Santa Justa de Coimbra, mç. 33, n.º 764.	Church of S. Pedro
Confraternity of the Clérigos (Clergymen)	1160	ANTT, Mosteiro de Santa Cruz de Coimbra, 1.ª inc., DP, mç. 14, n.º 29 and liv. 4, n.º 42, fls. 17-17v.	1422	ANTT, Cabido da Sé de Coimbra, 1.ª inc., liv. 1, fl. 17.	Cathedral of Coimbra
Confraternity of Santa Maria da Vera Cruz (Saint Mary of the True Cross)	1170	ANTT, Cabido da Sé de Coimbra, 1.ª inc., DP, cx. 27, rolo 3, n.º 25.	1504	AUC, Tombo Velho do Hospital Real, IV-2.ª E-7-3-6, fl. 45v.	Church of S. João de Santa Cruz
Confraternity of S. Salvador (Saint Savior)	1220	Morujão 2010, 248.	-	-	Church of S. Salvador
Confraternity of 'Mouzinhos'	1220	Morujão 2010, 248.	1394	ANTT, Colegiada do Salvador de Coimbra, mç. 15, "Septimo purgaminho do 2.º sacco".	Church of S. Salvador
Confraternity of S. Cristóvão (Saint Christopher)	1259	Matos 1998, 187.	1422	ANTT, Colegiada de S. Cristóvão de Coimbra, mç. 20, n.º 20.	Church of S. Cristóvão
Confraternity of Santo António (Saint Anthony)	1276	ANTT, Colegiada do Salvador de Coimbra, Antiga Coleção Especial, mç. 1, n.º 7.	1453	ANTT, Colegiada do Salvador de Coimbra, mç. 9, n.º "87 do 8.º sacco".	Church of S. Salvador

Name	First documental reference		Last documental reference		Location
	Date	Source	Date	Source	
Confraternity of S. Brás (Saint Blaise)	1286	ANTT, Colegiada de S. João de Almedina de Coimbra, mç. 1, n.º 4.	[1419-1429]*	ANTT, Colegiada de S. João de Almedina de Coimbra, mç. 3, n.º 7.	Church of S. João de Almedina
Confraternity of S. Marcos (Saint Mark)	1290*	Paiva 2003, 314-316.	1507	AUC, Hospital Real de Coimbra, IV-3. ^a -Gav. 50-n.º 2.	Church of S. Salvador
Confraternity of the Espírito Santo (Holy Spirit)	1309	ANTT, Colegiada de Santiago de Coimbra, mç. 17, n.º 46/322.	1435	ANTT, Colegiada de Santiago de Coimbra, mç. 17, n.º 654/528.	Church of Santa Justa
Confraternity of Bacharéis da Sé (See Bachelors)	1324	Paiva 2003, 323-324.	1447	AUC, Hospital Real de Coimbra, IV-3. ^a -Gav. 50-n.º 20.	Cathedral of Coimbra
Confraternity of S. Lourenço (Saint Lawrence)	1328	ANTT, Cabido da Sé de Coimbra, 2. ^a inc., mç. 35, n.º 1483.	1510	ANTT, Colegiada de Santa Justa de Coimbra, mç. 30, n.º 683.	Church of Santa Justa
Confraternity of Santa Marinha (Saint Marina)	1332	Paiva 2003, 390.	1383	ANTT, Colegiada de Santiago de Coimbra, mç. 6, n.º 38/539.	Church of Santa Justa
Confraternity of Santa Maria de S. Bartolomeu (Saint Mary of Saint Bartholomew)	1348*	Paiva 2003, 345-346.	1507	ANTT, Convento de Santana de Coimbra, mç. 7, "maço 3.º n.º 21".	Church of S. Bartolomeu
Confraternity of Santo Isidro (Saint Isidore)	[a. 1353]	ANTT, Colegiada de S. Pedro de Coimbra, mç. 5, s/n (1353, November, 4).	1389	ANTT, Colegiada de S. Pedro de Coimbra, mç. 2, n.º 2A.	Church of S. Pedro
Confraternity of Santa Águeda (Saint Agatha)	1375	ANTT, Colegiada de Santa Justa de Coimbra, mç. 4, n.º 64.	1386	ANTT, Convento de Santana de Coimbra, mç. 4, s/n (1386, July, 1).	Church of Santa Justa
Confraternity of S. Sebastião (Saint Sebastian)	[1460-1481]	ANTT, Colegiada de S. Pedro de Coimbra, cx. 2, mç. 3, s/n.	1524	ANTT, Colegiada de Coimbra, liv. 4, fl. 11.	Church of Santa Justa

Table 1. Confraternities located within the parish churches (Coimbra, twelfth-fifteenth centuries).

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- Colegiada de S. Cristóvão de Coimbra, mç. 20.
- Colegiada de S. João de Almedina de Coimbra, mç. 1, 3.
- Colegiada de S. Pedro de Coimbra, mç. 2, 3, 5, 6.
- Colegiada de Santa Justa de Coimbra, mç. 1, 4, 9 24; liv. 4.
- Colegiada de Santiago de Coimbra, mç. 3, 12, 17.
- Colegiada do Salvador de Coimbra, Antiga Coleção Especial, mç. 1.
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EPILOGUE

Beat Kümin

University of Warwick, Department of History

ORCID 0000-0002-0547-7444

Abstract: This chapter reflects on four aspects pertaining to the principal themes of this project: the distinct merits of parish studies as a field, historiographical priorities pursued thus far, insights gleaned from the preceding essays, and areas for future development. In order to broaden the spatial scope, the supporting materials primarily draw from Anglophone contexts and recent works on the British Isles. It serves as an afterword to this international essay collection on medieval urban parish communities.

Resumo: Este capítulo acrescenta várias reflexões sobre quatro aspetos relacionados com os principais temas deste projeto: os méritos distintos dos estudos paroquiais enquanto campo, as prioridades historiográficas seguidas até agora, as ideias recolhidas dos ensaios anteriores e as áreas para desenvolvimento futuro. A fim de alargar o âmbito espacial, os materiais de apoio provêm principalmente de contextos anglófonos e de trabalhos recentes sobre as Ilhas Britânicas. Ao fazê-lo, este texto serve de epílogo a esta obra coletiva e internacional sobre comunidades paroquiais urbanas medievais.

First and foremost, the editor of this volume, Maria Amélia Campos, the 'Research in Medieval Studies' meeting series (co-organized by members of the Universities of Coimbra, NOVA of Lisbon and Porto) and Coimbra's *Centro de História de Sociedade e da Cultura* deserve to be congratulated for assembling such an international and complementary range of scholars, first for the 'Urban Parish Communities in Medieval Europe' conference held at Coimbra in December 2021 and now its proceedings published under the title of *Essays on Lay and Ecclesiastical Communities in and Around the Medieval Urban Parish*. Drawing on my own address to the participants, I would like to add some reflections on four aspects relating to the main themes of this project: the distinctive merits of parish studies as a field, historiographical priorities pursued to date, insights gained from the preceding essays and areas of future development. To expand the spatial horizon, the supporting materials derive mainly from Anglophone contexts and recent works on the British Isles.

For researchers working on princely courts, social elites and central institutions, parish studies may appear 'parochial' by comparison. Here, the scale is reduced to a microhistorical level, the focus shifts to peripheral communities consisting of largely illiterate members, the sources document mundane activities of unknown individuals, surviving evidence of art / architecture appears of modest quality and mentalities tend towards the introspective rather than progressive. Some contributions to the genre, it is true, restrict themselves to compiling lists of incumbents, patrons, building works and events of purely local interest. Such accounts might understandably be termed 'antiquarian' or descriptive. Others though, including those contained in this volume, pursue more ambitious and instructive agendas. Parishes, for a start, can be found throughout Latin Christianity, providing a (rare) universal basis for robust regional, national and even Continent-wide comparison. As an early form of territorial rather than personal organization, they include representatives of *all* social, gender and age groups, in both town and countryside, allowing a more comprehensive approach to given societies than

associations or units limited by more restricted criteria of belonging.¹ It is only here at grass-roots level, furthermore, that historians can really assess the *impact* of major liturgical / artistic movements (like the Renaissance), central directives (such as those of the Fourth Lateran Council) or fundamental transformations (especially the various European Reformations), i.e. to grasp the extent to which grand ideas and policy decisions actually changed lives on the ground. Rather than uniform obedience or implementation, any such attempt will reveal much negotiation, variation and differences in both timescale and intensity.² It also sharpens our awareness of developments and impulses which reflected bottom-up rather than top-down initiatives, for example growing lay influence on parochial administration during the late Middle Ages or new cultural customs such as Robin Hood celebrations which emerged in English villages rather than big urban centres.³ In the same country, consideration of the vast number of ‘humble’ men who exercised key local government functions – as churchwardens, overseers of the poor, surveyors of highways – during the early modern period, suggests that a degree of ‘republican’ participation characterized even a strong monarchy like that of the Tudors.⁴

¹ Pioneering comparative collections include Convegno di storia della Chiesa in Italia (ed.), *Pievi e parrocchie in Italia nel basso medioevo* (Roma: Herder, 1984); Nathalie Kruppa (ed.), *Pfarreien im Mittelalter: Deutschland, Polen, Tschechien und Ungarn im Vergleich* (Göttingen: Vandenhoeck & Ruprecht, 2008); Michele Ferrari and Beat Kümin (eds), *Pfarreien in der Vormoderne: Identität und Kultur im Niederkirchenwesen Europas* (Wiesbaden: Harrassowitz, 2017). With co-editor Arnd Reitemeier, the author is currently preparing *A Companion to the Parish in Medieval and Early Modern Latin Christianity* (Brill: Leiden, forthcoming).

² See e.g. Andrew Pettegree (ed.), *The Reformation of the Parishes: The Ministry and the Reformation in Town and Country* (Manchester: University Press, 1993) and the fascinating microhistory in Eamon Duffy, *The Voices of Morebath: Reformation and Rebellion in an English Village* (New Haven, 2001).

³ Charles Drew, *Early Parochial Organisation in England: The Origins of the Office of Churchwarden* (London: St. Anthony's Press, 1954); ‘Ronald Hutton, *The Rise and Fall of Merry England: The Ritual Year 1400-1700* (Oxford: University Press, 1994), esp. ch. 1, n. 79-84.

⁴ Mark Goldie, ‘The Unacknowledged Republic: Officeholding in Early Modern England’, in *The Politics of the Excluded 1500-1850*, ed. Tim Harris (London: Palgrave, 2001), 153-194.

What has been of primary interest to parish scholars so far? Naturally, the emergence and differentiation of local ecclesiastical networks, processes which (depending on the regional setting) started around the first millennium and stretched to the thirteenth century, in some areas (like the Italian peninsula) well into the early modern period. Canon law frameworks, not least the transition from churches under strong proprietor control to the patronage system, where presentations to benefices and spiritualities came under closer diocesan supervision, have also received much attention, as have changes in doctrine (e.g. regarding pathways to salvation, be it the growth of Purgatory in the late Middle Ages or of Protestant denominations from the sixteenth century) as well as their – by no means straightforward – reflection in popular piety (where magical and convivial elements remained causes of concern for clerical hierarchies well beyond the period examined here). Historians have also scrutinized the social background, training and education of members of the lower clergy;⁵ their sometimes harmonious – and at other points highly conflictual – relations with the laity (often under the somewhat anachronistic label of ‘anticlericalism’); the delicate co-existence with ‘rivalling’ associations like guilds,⁶ and the manifold economic dimensions of parish affairs (linked to tithes, customary dues and the generation / allocation of fabric funds). Gender roles, ‘political’ dimensions (such as the election and accountability of officeholders), local government activities (esp. with respect to poor relief / education), demographic trends (extracted from parish registers) and musical /

⁵ For the British Isles, see esp. <https://theclergydatabase.org.uk/> (‘The Church of England Clergy Database’; all urls cited in this postsript were last accessed on 31/5/2023) and Chris Langley, Catherine E. McMillan and Russell Newton (eds), *The Clergy in Early Modern Scotland* (Woodbridge: Boydell Press, 2021).

⁶ Gervase Rosser, *The Art of Solidarity in the Middle Ages: Guilds in England 1250-1550* (Oxford, 2015).

/ ceremonial life represent further priorities, at least in certain European regions.⁷

Moving to findings contained in this volume, its main themes and summaries of all essays can be found in the editor's introduction, so my thoughts will be more personal and selective. Starting with the 'big picture', perhaps the greatest merit is the encouragement of a more sustained dialogue between researchers of the Iberian / Italian peninsulas and those whose research focuses on northern and central parts of Europe. Belonging to the latter group, I have learnt a great deal about – to give just a few examples – mutually supportive (rather than antagonistic) parish-fraternity relations in a city like Coimbra (contribution by Rocha), the prominent role of collegiate churches & cathedral chapters in Portuguese scholarship more generally (as evidenced by Fernandes, Morujão and Rêpas Farelo) and the loss of much valuable evidence stored in central archives during the Lisbon earthquake of 1755. For Spain, in contrast, Lincoln adduces remarkably detailed *fueros* (municipal law codes) to illuminate urban life under episcopal lordship in Castile and León, albeit at a time (twelfth century) which may be just a little too early for full parish coverage. Moving to Italy, Cissello and Corniolo highlight intriguing varieties in diocesan-local relations, with two parish altars in the Alpine city of Aosta actually located within the episcopal church, while the cathedral altar at Vercelli served pastoral functions itself. Three essays shed welcome light on processes of inclusion and exclusion in more northern parts of Europe, particularly with regard to the 'Lombards' who offered financial services in numerous merchant communities (Pia) and the fate of Jewish minorities in French and German cities. In Banoun's sample, parish network differentiation

⁷ Among the most comprehensive long-term national surveys touching on all these dimensions is N.G.J. Pounds, *A History of the English Parish from Augustine to Victoria* (Cambridge: University Press, 2000); for medieval France see Michel Aubrun, *La paroisse en France: des origines au XV e siècle* (Paris: Picard, 1986); for (early) modern Italy Paolo Cozzo, *Andate in pace: Parrocchi e parrocchie in Italia dal Concilio di Trento a papa Francesco* (Roma: Carocci, 2014).

prior to 1300 seems to have gone hand in hand with a deterioration of their position, culminating in numerous expulsions coinciding with fourteenth-century crises such as the Black Death. Looking more closely at the case studies of Fulda and Wittenberg, in turn, the keynote by Hess highlighted the often very sudden – and at times puzzling – shifts in how Jews were treated by their Christian neighbours: waves of settlement, expulsion and subsequent resettlement could follow each other in quick succession. Focusing on the Saxons in Transylvania, Dinca questions the conventionally sharp division between urban and rural contexts, demonstrating how priests educated at universities in (present-day) Austria, Czechia, Poland and Italy did not shy away from appointments to village posts, performed essential writing services for the laity there and thus fostered considerable cultural exchange between intellectual centres and periphery.

So where do we go from here? The startling advances in digital humanities surely open exciting new opportunities, for instance in mapping and visualizing data relating to parish communities.⁸ Complementing rather than superseding more traditional pillars of scholarship like palaeography, diplomatics, chronology or source critique, online resources like ‘Deutsche Inschriften Online’ and ‘Records of Early English Drama Online’ (having started decades ago with long series of print volumes) now make all their evidence accessible from any device with an internet connection. The former aims to illustrate, transcribe and contextualize all pre-1650 inscriptions in present-day Austria, Germany and South Tyrol, many located in local churches; the latter collates traces of dramatic and mimetic activities in England prior to 1642, a great deal of which derive from parish sources like churchwardens’ accounts and inventories.⁹ On a

⁸ A good illustration of the manifold possibilities is ‘Mapping the Scottish Reformation’ (<http://mappingthescottishreformation.org/>).

⁹ Further information at <https://www.inschriften.net/> and <https://ereed.library.utoronto.ca/>. For a list of English and Welsh churchwardens accounts see <http://warwick.ac.uk/cwad/>; for an exemplary edition of medieval parish sources Clive Burgess (ed.), *The Pre-Reformation Records of All Saints Church, Bristol*, 3 vols. (Bristol: Bristol Record Society, 2000-2004).

more personal and organizational level, we should aspire to place exchanges between the various national, thematic and period-specific strands of parish-related expertise onto firmer foundations. This is the goal of the Warwick Network for Parish Research, an informal association of academics as well as independent scholars founded in 2003. It runs annual symposia and offers a virtual platform for bibliographic information on sources and literature in many languages, the publication of longer / shorter posts on related topic, the dissemination of news / events and the hosting of research projects in the field. ‘My-Parish’, though, depends on the active collaboration of its community – membership is free and we particularly welcome input relating to areas as yet under-represented on its pages, i.e. northern, eastern and Mediterranean parts of Europe.¹⁰ In terms of ultimate ambitions, I guess, the buzzword has to be ‘connections’: between medievalists and (early) modernists, between those working on laity / clergy, spiritual / worldly issues, sub- / transparochial institutions, towns / villages, elite / popular culture, between specialists of the whole range of (written, visual, material) sources, between academics / / representatives of a wider public, and between scholars from different disciplines. Admittedly, these are difficult and long-term tasks, but initiatives like *Lay and Ecclesiastical Communities in and Around the Medieval Urban Parish* help to point us in the right direction. Let’s see how far we can get.

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CONTRIBUTORS

Adinel C. Dincă is an Associate Professor at Babeş-Bolyai University in Cluj-Napoca, Romania and a Research Fellow at the “George Bariţiu” Institute of History, Romanian Academy. His primary subject areas include Latin palaeography and diplomatics, Transylvanian medieval history, legal traditions, and education in the Middle Ages; he is also co-founder and director of “TRANS.SCRIPT. The Centre for Diplomatic and Medieval Documentary Palaeography”, Cluj-Napoca, which offers a modern approach to the study of written historical sources. He earned his PhD in medieval history from Babeş-Bolyai University in Cluj-Napoca in 2008 and continued his post-doctoral training at the Institut für Österreichische Geschichtsforschung, Vienna University; Eberhard-Karls-Universität Tübingen; Max-Planck Institut für Europäische Rechtsgeschichte, Frankfurt am Main; Friedrich-Alexander-Universität Erlangen-Nürnberg; Bundesinstituts für Kultur und Geschichte der Deutschen im östlichen Europa, Oldenbourg. Most recent publication: *The Transylvanian Saxons and their Books in the Middle Ages* (2023). Contact: adinel.dinca@ubbcluj.ro. ORCID ID: 0000-0001-5817-815X.

Aires Fernandes earned a degree in History from the University of Coimbra in 1999, a Master’s in Medieval and Renaissance History from the Faculty of Arts of the University of Porto in 2004, and a PhD in Medieval History from the University of Coimbra in 2012. His doctoral dissertation focused on the Canons Regular of St. Augustine in Northern Portugal at the end of the Middle Ages. He is a

researcher at the Centre for the History of Society and Culture of the University of Coimbra (2009-2021) and at the LAB2PT in the University of Minho, as a member of the MedCrafts project (2021-2022). He researches topics related to religious history, particularly in monastic history. He also studies local history, military history, the historical novel in the 19th century, and genealogy. Contact: airesgf@gmail.com. ORCID ID: 0000-0002-1944-5419.

Ana Rita Rocha is a PhD researcher in the ERC-funded project *VINCULUM – Entailing Perpetuity: Family, Power, Identity. The Social Agency of a Corporate Body (Southern Europe, 14th-17th Centuries)* (agreement ID 819734) and an invited assistant teacher at the Faculty of Arts and Humanities of the University of Coimbra. She holds a PhD (2019) and a MA (2011) in Medieval History from the University of Coimbra. She is a full member of the Institute for Medieval Studies of NOVA University's School of Social Sciences and Humanities and a contributor to the Centre for the History of Society and Culture of the University of Coimbra. She has presented several papers in national and international congresses and seminars and has published several journal articles and book chapters. Her research is focused on medieval charity and poverty, assistance to the poor and sick in medieval Coimbra, medieval leprosy and lepers, and entailment in medieval and modern Portugal. Contact: anarita.srocha@gmail.com. ORCID ID: 0000-0003-4709-5927.

Beat Kūmin studied History and English as an undergraduate at Bern (Switzerland) and Preston (England), completed a PhD on "The Late Medieval English Parish" at Corpus Christi College, University of Cambridge (1990-93), held a Junior Research Fellowship at Magdalene College, Cambridge (1993-97), and pursued a Swiss National Science Foundation project at Bern (1998-2000), before obtaining a second doctorate (*Habilitation*) from Bern in 2005. Since 2001, he has taught at the University of Warwick in the UK, from 2010 as Professor of Early Modern European History. He has served as Director

of the Centre for the Study of the Renaissance at the same institution (2014), and held visiting fellowships at Bielefeld (2011), Greifswald (2012-13) and Konstanz (2018, 2020) in Germany. Since 2003, he has co-ordinated the Warwick Network for Parish Research with its online platform My-Parish. Relevant publications include the monograph *The Shaping of a Community: The Rise & Reformation of the English Parish* (1996) as well as the co-edited collections *The Parish in English Life 1400-1600* (1997) and *Pfarreien in der Vormoderne: Identität und Kultur im Niederkirchenwesen der Vormoderne* (2017). Contact: b.kumin@warwick.ac.uk. ORCID ID: 0000-0002-0547-7444.

Cordelia Heß studied history, Scandinavian studies as well as church and dogma history in Hamburg and Stockholm. After completing her doctorate in Hamburg in 2007, she became a postdoc in Stockholm in 2008 on a project on anticlericalism in the late Middle Ages. From 2012 to 2016 she worked as researcher, funded by the Royal Swedish Academy of Letters, History and Antiquities, during which time she did guest stays at the Technische Universität Berlin and Tel Aviv University. From 2014 to 2017 she was Associate Professor at the University of Gothenburg, Institute for Historical Studies. She has held the Chair of Nordic History in Greifswald since the 2017 winter semester. Her latest publications focus on Jewish-Christian relations in Northern Europe: *Antisemitism in the North* (2020, edited with Jonathan Adams) and *The Medieval Archive of Antisemitism in 19th-Century Sweden* (2021). Contact: cordelia.hess@uni-greifswald.de. ORCID ID: 0000-0001-5235-7747.

Elena Corniolo is a research fellow at the University of Turin and a high school Italian and History teacher. Her research interests include the local Church and the dynamics of community formation and interaction in the late Middle Ages in the Western Alpine region. She attended a PhD in Medieval History at the University of Turin (supervisor Prof. Luigi Provero), whose research was published as *Chiesa locale e relazioni di potere nel XV secolo. Sant'Orso d'Aosta*

tra il 1406 e il 1468. 2019, Milano: FrancoAngeli, and she achieved a degree in Archivistics, Diplomatics and Paleography at the States Archives of Turin. Contact: elena.corniolo@unito.it. ORCID ID: 0000-0002-7352-8821.

Ezio Claudio Pia was introduced to the study of history by Renato Bordone, obtained a PhD in History, specializing in the Middle Ages, and holds the ASN for the competitive sector 11/A1, Medieval History (second band). He works on political and institutional history starting from the communal age and with the history of credit between the Middle Ages and the Modern Age. Among other research programmes, we point out its participation in the Incertitude et contrôle des échanges: les marchés entre légalité et illégalité Programme (CIHAM, Lyon); the CoMOR Project Configurations of European Fairs. Merchants, Objects, Routes (v. 1350-v.1600), funded by the Agence Nationale de la Recherche en France and the Deutsche Forschungsgemeinschaft. His monographs include: *La giustizia del vescovo: società, economia e Chiesa cittadina ad Asti tra XIII e XIV secolo*, Roma, Viella, 2014 (awarded by Deputazione Subalpina di Storia Patria); Asti, Spoleto, CISAM, 2017. Contact: piaezioclaudio@libero.it. ORCID ID: 0000-0002-4792-138X

Flávio Miranda is a research fellow working on medieval economic history at the CITCEM (Transdisciplinary Research Centre “Culture, Space and Memory”), Faculty of Arts and Humanities of the University of Porto. He investigates the merchants, commerce, institutions, and urban history of late medieval Portugal and Western Europe. Contact: fmiranda@letras.up.pt. ORCID ID: 0000-0002-8730-6285.

Francesco Cissello completed a PhD in Historical Sciences at the University of Turin between 2014 and 2017 (supervisor Prof. Luigi Provero). During the PhD, his research focused on the relationship between Church and city in present-day Piedmont in the communal era. After completing his PhD, he was awarded a research fellowship

at the Istituto Italiano per gli Studi Storici in Naples (2017-2019, tutor prof. Stefano Palmieri). During this period, his research focused on the wills of the canons of Turin and Vercelli between the 13th and 15th centuries, with the aim of reconstructing the careers of canons and their relations on the one hand with the bishops, and on the other with the urban society. He has published papers in Italian scientific journals, organised academic conferences and is currently editing the publication of his PhD thesis on ecclesiastical mobility in the communal Vercelli. Currently, he works as a humanities teacher in high schools in Piedmont. Contact: francesco.cissello@gmail.com.

Kyle C. Lincoln is Assistant Professor of Pre-Modern European History and Interdisciplinary Humanities at Southeastern Oklahoma State University. He completed his PhD at Saint Louis University (US) in 2016, under the mentorship of Damian J. Smith. His primary lines of research include ecclesiastical history, canon law, and Iberian crusading in the long twelfth century. His articles have appeared in the *Journal of Medieval History*, *Crusades*, the *Bulletin of Medieval Canon Law*, the *Anuario de Historia de la Iglesia*, and the *ZFRG-Kanonistische*, along with chapters in various edited collections. He published, along with John Giebfried, a crusade studies textbook with the University of North Carolina Press, and has recently published his first monograph, *A Constellation of Authority: Castilian Bishops and the Secular Church during the Reign of Alfonso VIII*, was published in January of 2023 with Pennsylvania State University Press's *Iberian Encounter and Exchange* Series. His next monograph will examine major thematic changes in the same field. Contact: kyle.c.lincoln@gmail.com. ORCID ID: 0000-0002-7473-6622.

Luís Miguel Rêpas holds an MA and a PhD in Medieval History from the University of Coimbra and is a researcher in the Institute for Medieval Studies (NOVA) and in the Center for the History of Society and Culture (University of Coimbra). He specialises in the Portuguese Middle Ages, focussing particularly on Religious, Social

and Cultural History. His Master's Dissertation, *Quando a Nobreza Traja de Branco. A Comunidade Cisterciense de Arouca durante o Abadessado de D. Luca Rodrigues (1286-1299)*, was published in 2003 and he recently completed his Doctoral Thesis based on a transversal investigation into Cistercian nunneries and their communities in medieval Portugal. He is currently an Invited Professor at the University of Coimbra (of Portuguese Medieval History and Culture) and a contracted researcher in the project "Books, rituals and space in a Cistercian nunnery. Living, praying and reading in Lorvão, 13th-16th centuries" (FCT, PTDC/ART-HIS/0739/2020). Contact: luisrepas@fcs.unl.pt. ORCID ID: 0000-0002-5437-9437.

Manon Banoun has been a PhD student in medieval archaeology at the University of Paris 1, Panthéon-Sorbonne, since October 2020. Her research focuses on medieval Judaism, more particularly on the spatialization of Jewish communities in urban space. Her thesis, *Jews in the City. An archaeological and topographical analysis of medieval Jewish quarters in northern France (12th-14th centuries). Case studies and a comparative perspective*, is directed by Anne Nissen (Paris 1 Panthéon-Sorbonne, ArScAn). Through the combination of several sources (material, textual, topographic), she tries to define Jewish settlement patterns in medieval urban contexts, especially in the French cities of Paris, Rouen and Strasbourg, with a particular interest on their insertion into the urban framework and their spatial organization. Thanks to a comparative analysis with medieval Jewries studied in Germany, she seeks to develop patterns of occupation that would be characteristic of medieval Ashkenazi Jewry. Contact: manon.banoun@univ-paris1.fr. ORCID ID: 0009-0006-9305-6047.

Maria Amélia Campos is a researcher at the Centre for History of Society and Culture (University of Coimbra) and an invited teacher at the Faculty of Arts and Humanities of the University of Coimbra. In 2012, she presented her Medieval History PhD thesis to the same Faculty, on the parish of Santa Justa of Coimbra (11th-15th centuries).

Afterwards, she developed an individual research project on “Territories, societies and religions: the parochial network of a European medieval city. The case of Coimbra” (2015-2019), in CHSC (University of Coimbra), CIDEHUS (University of Évora) and CRIHAM (Université de Limoges). Currently, she is Principal Researcher of the exploratory research project *COMMEMORTis. What survives after death? Parish communities and death commemoration strategies in the medieval city* (FCT, EXPL/HAR-HIS/0532/2021). Her main interests and research topics are Urban History, History of the Secular and Parish Clergy, Prosopography, and Digital Humanities. Contact: melicampos@gmail.com. ORCID ID: 0000-0002-3131-7356.

Maria do Rosário Morujão holds a PhD in Medieval History and is Assistant Professor at the University of Coimbra, where she currently coordinates the master’s degree in History. She is a member of the University’s Centre for the History of Society and Culture and collaborates with the Centre of Religious History Studies (UCP). She is a member of several national and international organisations, most notably the International Commission of Diplomats. She has worked on, and is currently active in, several research projects, in Portugal and abroad, with a supervising role in the *SIGILLVM PORTVGALIAE – Corpus dos selos portugueses* (Portuguese seals corpus) project. Contact: rmrbrmorujao@uc.pt. ORCID ID: 0000-0003-1311-4720.

Mário Farelo is Assistant Professor at the Instituto de Ciências Sociais of the University of Minho. He obtained his M.A. from the University of Montreal (Canada, 1999) and a M.A. and PhD in Medieval History at the University of Lisbon (2004 and 2009). He developed between 2009 and 2014 a post-PhD project at the Institute for Medieval Studies (NOVA University), the Centre of Religious History Studies (UCP) and the LAMOP concerning *Le royaume du Portugal et l'interventionnisme de la Papauté d'Avignon (1305-1377)*. He was senior researcher contracted in the ERC CoG project *VINCULUM – Entailing Perpetuity: Family, Power, Identity. The Social Agency of a Corporate*

Body (Southern Europe, 14th-17th Centuries). Besides the history of entail documentation and of the relations between the realm of Portugal and the Papacy, his other subjects of research are the history of Medieval Lisbon, the ecclesiastical, urban and cultural history of medieval Portugal, mainly the history of the University of Lisbon-Coimbra, and the Portuguese medieval and early modern *peregrinatio academica*. Contact: mariofarelo@ics.uminho.pt. ORCID ID: 0000-0002-2905-6564.

Tiago Viúla de Faria (DPhil, Oxford), is a research fellow of the Instituto de Estudos Medievais in NOVA University, Lisbon. His main scholarly interest has been in the shaping and practices of external relations in the late medieval West, focusing especially on Portugal and England. He has mostly dealt with diplomacy and peace-making, cultural transfer, and the Hundred Years' War. Most recently, he has taken on an additional research line in environmental studies, having founded NEMUS, the Network for the Environment in Medieval Usages and Societies. Contact: tfaria@fcsh.unl.pt. ORCID ID: 0000-0001-6832-7024.

Maria Amélia Campos (Oliveira do Hospital, 1983) is a researcher at the Centre for History of Society and Culture and an invited teacher at the Faculty of Arts and Humanities of the University of Coimbra. In 2012, she presented her Medieval History PhD thesis to the same Faculty, on the parish of Santa Justa of Coimbra (11th-15th centuries). Subsequently, she conducted individual research on the topic of *Territories, Societies, and Religions: The Parochial Network of a European Medieval City. The Case of Coimbra* from 2015 to 2019, collaborating with the Universities of Coimbra, Évora, and Limoges. Furthermore, she was a member of LAMOP (University of Paris 1) and contributed as a researcher to funded research projects on Medieval Church and Urban History. She recently led an exploratory project supported by the Portuguese Foundation for Science and Technology (COMMEMORTis) and currently heads the Portuguese team of a research project supported by the HORIZON program (RESTORY).

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